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THE
ASIATIC SOCIETY OF BOMBAY
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THE EVIDENCE

In support of the Assertions respecting false imprisonment contained in

THE GENERAL ADDRESS

of the

NATIVES OF BOMBAY

to

SIR JOHN PETER GRANT, KNIGHT

On the occasion of his resignation of his Office of Judge of the Supreme Court of Judicature at

BOMBAY.

THE ASIATIC SOCIETY OF BOMBAY

1826

Printed at the New Bombay Lithographic Press

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20 SEP 1985
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In the Supreme Court of Judicature at Bombay

Pleas at Bombay before Sir Edward West Knight Chief Justice and his Brethren Justices of his Majesty's Supreme Court of Judicature at Bombay of the First Term commencing on the Fifth day of February in the Seventh Year of the Reign of our Sovereign Lord George the Fourth of the United Kingdom of Great Britain and Ireland King Defender of the faith and so forth and in the year of our Lord 1826.

Bombay to wit) Amerchund Bedrechund Executor of
1 *the last will and Testament of Nare Govind Auther deceased Hindoo of Bombay Inhabitant puts in his place Charles Grant and Charles Augustus West Gentlemen his attornies against The Honorable the United Company of Merchants of England trading to the East Indies, The Honble Mountstuart Elphinstone Governor of Bombay and Henry Dundas Robertson Esquire a Captain in the Military Service of the said United Company on their Bombay Establishment in a Plea of Trover; Dated the 7th day of February 1826.*

(Bombay

(Bombay to wit) The Honorable the United Company of
2 Merchants of England trading to the East Indies The
Honble Mountstuart Elphinstone and Henry Dundas Ro-
bertson Esquire put in their place Edmund Abb Morgan
Gentleman their Attorney at the suit of the said Amerchund
Bedreechund in the Plea aforesaid. Dated the 13th day of
March 1826.

Bombay
to wit } Be it remembered, that on the twenty fifth day of Fe-
Court filed } bruary in the year of our Lord one thousand eight hundred
25th February } and twenty six, comes Amerchund Bedreechund by Charles
26 } Grant and Charles Augustus West Gentlemen his Attornies and
3 brings into Court his certain Plaint against The Honble the
United Company of Merchants of England trading to the East
Indies, The Honble Mountstuart Elphinstone and Henry
Dundas Robertson Esquire which said Plaint followeth in
these words to wit Bombay to wit Amerchund Bedreechund
Hindoo of Bombay Inhabitant Merchant and Banker
Executor of the last will and Testament of Nare Govind
Auther Hindoo late of Bombay Inhabitant deceased by
Charles Grant and Charles Augustus West Gentlemen his
Attornies

Attornies Complains of the Honorable the United Company
4 of Merchants of England trading to the East Indies The
Honble Mountstewart Elphinstone Esqr. Governor of Bombay
aforesaid and Henry Dundas Robertson Esquire a Captain in
the Military service of the said United Company on their
Bombay Establishment in the East Indies, and which said
Mountstewart Elphinstone and Henry Dundas Robertson
are respectively Inhabitants of Bombay aforesaid and are
respectively British subjects residing in the East Indies
and who respectively at the times when the cause of action
contained in this plaint arose were employed by or directly
or indirectly were in the service of the said united Company
5 in the East Indies or of one of the British Subjects of
our Sovereign Lord King George the third deceased or of our
Sovereign Lord King George the fourth in the East Indies
and which said Mountstewart Elphinstone and Henry
Dundas Robertson are respectively for some or one of the
reasons aforesaid subject to the Jurisdiction of this Honble
Court of a plea of Trespass on the case For that whereas
the said Nare Govind Authur in his life to wit on the
first day of July in the year of Christ one thousand
6 eight hundred and twenty two at Bombay aforesaid
within

within the Jurisdiction aforesaid was lawfully possessed as of his own property of certain goods and Chattels to wit two hundred thousand pieces of foreign Gold Coin called Venetians and divers to wit four thousand pieces of foreign Gold Coin called Delhi Sicca Gold Mohurs and divers to wit four thousand pieces of foreign Gold Coin called Ahmed shaw gold Mohurs and divers to wit four thousand pieces of foreign Gold Coin called Furrudshery Gold Mohurs and divers to wit four thousand pieces of foreign Gold Coin called Mahomed shaw Gold Mohurs and divers to wit four thousand pieces of foreign Gold Coin called shaw hapary Gold Mohurs and divers to wit four thousand pieces of foreign Gold Coin called Allumshaw Gold Mohurs and divers to wit four thousand pieces of foreign Gold Coin called Getsais Gold Mohurs and divers to wit two hundred thousand pieces of Gold called Venetians and divers to wit two hundred thousand pieces of Gold with a mixture of baser metal therein called Venetians and divers to wit four thousand pieces of Gold with a mixture of baser metal therein called Delhi Sicca Gold Mohurs and divers to wit four thousand pieces of Gold with a mixture of baser metal therein called Ahmed shaw gold Mohurs and divers to wit four

thousand

thousand pieces of Gold with a mixture of baser metal
thereun called Furrudashery Gold Mohurs and divers to wit
four thousand pieces of Gold with a mixture of baser Me
tal thereun called Mahomed shaw Gold Mohurs and
divers to wit four thousand pieces of Gold with a mixture
of baser metal thereun called shaw hajary Gold Mohurs
and divers to wit four thousand pieces of Gold with a
mixture of baser metal thereun called Allum shaw Gold
Mohurs and divers to wit four thousand pieces of Gold
with a mixture of baser metal called Setsai Gold Mohurs
and divers to wit thirty thousand pieces of Gold called
Gold Mohurs and divers to wit thirty thousand pieces being
a Mixture of Gold and of a baser metal and which
pieces are called Gold Mohurs of great value to wit of
the value of two Millions of Rupees of lawful money
of Bombay aforesaid and being so possessed thereof he
the said Nare Govind Authen in his life time afterwards
to wit on the Second day of July in the year of Christ
one thousand eight hundred and twenty two at Bombay
aforesaid within the Jurisdiction aforesaid casually lost
the said Goods and Chattels out of his possession and
the same afterwards and in the life time of the said

Nare

Naro Govind Auther to wit on the same day and year last aforesaid at Bombay aforesaid within the jurisdiction aforesaid came to the possession of the said United Company Mountstewart Elphinstone and Henry Dundas Robertson by finding yet the said United Company Mount. Stewart Elphinstone and Henry Dundas Robertson well knowing the said Goods and Chattels to be the property of the said Naro Govind Auther in his life time and of right to belong and appertain to the said Naro Govind Auther in his life time and to the said Amerchund Bedrechund as Executor as aforesaid after the decease of the said Naro Govind Auther but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said Naro Govind Auther in his life time and the said Amerchund Bedrechund as Executor aforesaid since the death of the said Naro Govind Auther in this behalf did not nor did either of them deliver the said Goods and Chattels or any of them or any part thereof to the said Naro Govind Auther in his life time nor have they or hath either of them as yet delivered the same or any of them or any part thereof to the said Amerchund Bedrechund Executor as aforesaid

since

since the death of the said Naro Govind Auther although often requested so to do and they the said United Company Mountstewart Elphinstone and Henry Dundas Robertson afterwards and in the life time of the said Naro Govind Auther to wit on the day and year last aforesaid at Bombay aforesaid within the jurisdiction aforesaid converted and disposed of the said Goods and Chattels to their own use and Whereas also the said Amerchund Bedreechund as Executor as aforesaid afterwards and
10 after the death of the said Naro Govind Auther to wit on the first day of February in the year of Christ one thousand eight hundred and twenty six at Bombay aforesaid within the Jurisdiction aforesaid was lawfully possessed of divers other goods and Chattels to wit two hundred thousand pieces of foreign Gold Coin called Venetians and divers to wit four thousand pieces of foreign Gold Coin called Delhi Sicca Gold Mohurs and divers to wit four thousand pieces of foreign Gold Coin called Ahmedshaw gold Mohurs and divers to wit four
15 thousand pieces of foreign Gold Coin called Furrudsheer gold Mohurs and divers to wit four thousand pieces of foreign Gold Coin called Mahomed Shaw gold Mohurs

and

and divers to wit four thousand pieces of foreign gold Coin called shaw hajary Gold Mohurs and divers to wit four thousand pieces of foreign Gold Coin called Allumshaw gold Mohurs and divers to wit four thousand pieces of foreign gold Coin called Selsar gold mohurs and divers to wit two hundred thousand pieces of Gold called Venetians and divers to wit two hundred thousand pieces of Gold with a mixture of baser Metal therein called Venetians and divers to wit four thousand pieces of Gold with a mixture of baser metal therein called Dalhie Sicca Gold Mohurs and divers to wit four thousand pieces of Gold with a mixture of baser metal therein called Ahmed shaw gold Mohurs and divers to wit four thousand pieces of Gold with a mixture of baser metal therein called Fur. rudshery gold Mohurs and divers to wit four thousand pieces of gold with a mixture of baser metal therein called Mahomed Shaw Gold Mohurs and divers to wit four thousand pieces of Gold with a mixture of baser metal therein called shaw hajary gold Mohurs and divers to wit four thousand pieces of gold with a mixture of baser metal therein called Allumshaw gold Mohurs and divers to wit four thousand pieces of gold with a

mixture

mixture of base metal called Sebau gold Mohurs and divers to wit thirty thousand pieces of Gold called Gold Mohurs and divers to wit thirty thousand pieces being a mixture of gold and of a baser metal and which pieces were
18 called Gold Mohurs of great value to wit of the value of millions of Rupees of lawful money of Bombay aforesaid as of his property as such executor as aforesaid and being so possessed thereof he the said Amerchund Bedreechund afterwards to wit on the second day of February in the year last aforesaid at Bombay aforesaid within the jurisdiction aforesaid casually lost the said last mentioned goods and Chattels out of his possession and the same came and there came to the possession of the said United Company Mountstewart Elphinstone and Henry Dundas Rob-
19 ertson by finding Yet the said United Company Mountstewart Elphinstone and Henry Dundas Robertson well knowing the said last mentioned Goods and Chattels to be the property of the said Amerchund Bedreechund as such executor as aforesaid and of right to belong and appertain to the said Amerchund Bedreechund as such executor but contriving and fraudulently intending to deceive and defraud the said Amerchund Bedreechund as such executor as aforesaid in

this

this behalf have not, nor hath either of them as yet deliv-
ered the said last mentioned goods and Chattels or any
part thereof to him the said Amerchund Bedreechund (Al-
though often requested so to do) and have and each of them
hath hitherto wholly neglected and refused, and still wholly
neglect and refuse so to do, and afterwards to wit on the
day and year last aforesaid at Bombay aforesaid within
the jurisdiction aforesaid, converted and disposed of the
said last mentioned goods and Chattels to their own use
& the Damage of the said Amerchund Bedreechund as
executor as aforesaid of two Millions of Rupees of lawful
money of Bombay aforesaid and therefore he brings his
suit. And the said Amerchund Bedreechund brings into
Court here the Letters Testamentary of the said Naro
Govind Auther deceased Whereby it fully appears to the
said Court here that the said Amerchund Bedreechund is
Executor of the last will and Testament of the said
Naro Govind Auther deceased and hath the execution
thereof &c.

And the said Defendants by Edmund Lott Morgan Gen.
Aleman their Attorney come and defend the wrong and
injury when &c. and say that they are not guilty of
the

22 the premises above laid to their charge in manner and form as the said Plaintiff hath above thereof complained against them and of this the said Defendants put themselves upon the Court &c.

Issue — And the said Amerchund Bedreechund doth the like &c. And now on the Twenty eighth day of November in the year of our Lord one thousand eight hundred and Twenty six to which day was given as well to the said Amerchund Bedreechund Executor as aforesaid as to the said United Company 23 of Merchants of England trading to the East Indies The Honorable Mountstuart Elphinstone and Henry Dundas Robertson Esquire to hear their respective Allegations and Examine the truth thereof upon the Oaths of such Competent and Credible witnesses as they should produce respectively come the said parties by their said Attorneys and the said Court having examined and considered the several Allegations of the said Parties and having examined and considered the depositions of the witnesses doth say that the said Mountstuart Elphinstone and Henry Dundas Robertson are Guilty of the premises above laid 24 to their charge in manner and form as the said Amerchund Bedreechund, as such Executor as aforesaid hath

above

above Complained against them and they assess the Dama-
ges of the said Amerchund Bedreechund as such Executor
in Ocasion thereof over and above his Costs and Char-
ges by him about his suit in this behalf expended to
Bombay Rupees seventeen hundred and forty five thousand
two hundred and ninety quarters three and thirty two Reas
(1745290 • 3. 32) and for those Costs and Charges to Rupees
25 seventeen thousand three hundred and three and three quarters
And the said Court doth further say that the said United
Company are not Guilty of the premises above laid to their
charge in manner and form as the said Amerchund Bedree-
chund Executor as aforesaid hath above Complained against
them. Therefore it is Considered that the said Amer-
chund Bedreechund as Executor as aforesaid do recover a-
gainst the said Honble Mounstuart Elphinstone and
Agreement Henry Dundas Robertson his said damages aforesaid to
ment of the Rupees Seventeen hundred and forty five thousand two
Mill Rupees hundred and ninety quarters three and thirty two reas
Forty (1745290 • 3. 32) by the said Court in form aforesaid assessed
and also Rupees seventeen thousand three hundred and three
and three quarters for his Costs and Charges by him about
his suit in this behalf expended which said Damages Costs

and

and Charges Amount in the whole to Rupees seventeen hundred and sixty one thousand five hundred and ninety four quarters two and thirty two reas (17615 94. 3 32) And it is further Considered that the said Amerchund Bedreechund Executor as aforesaid do take nothing by his suit as against the said United Company and that the said United Company do go thereof without day &c.a —

27

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A. F.

(True Copy)
A. Ferrier
Prothonotary

25th September 1826

Present

The Honble The Chief Justice
Mr. Justice Chambers.

Imerchund Bedreechund &c.
Executor of the last will and
Testament of Narrongound Sutea
Deceased

V.s

The United Company of Mer-
chants of England trading
to the East Indies The
Honorable Mountstuart El-
phinstone and Henry Dundas
Robertson Esquire

(592)

Syaje Gungaje sworn Examined by Mr.
Parry

Mr. Advocate General requests that the Evidence may be
taken down question and answer.

Overruled by the Court who direct it to be
taken

taken in the usual manner

I formerly was in Captain Robertson's service I am now a dealer in hay I was in Captain Robertsons service for about 2 or three years I left his service about six or seven years ago I recollect that the Peishwa went away from Poonah about 9 years ago. In two or 3 days after I entered into Captain Robertsons service I was Jemadar or head of the Peons at first there were ten Peons under me. they belonged to Captain Robertson himself I Knew Narroba Outia at that time. he was a Brahmin living in a Sadasew Pete Street at Poonah in the Deccan but I do not Know his Business. I was sent to him by Captain Robertson. He himself called me and said to me "Go and call Narroba Outia" it was in a few days after I entered his service. Captain Robertson and I were in an Old Wara or house belonging to the Peishwa. Captain Robertson gave orders to me and another man named Mayaputty and said "Go and bring Narroba Outia" (The word interpreted "bring" does not mean by force) then I Mayaputty and two or three peons went to Narroba Outias house He was sitting in a hall near the back door of the house one or two of his

men and his wife and Children were with him it was about ten or Eleven O'Clock in the morning it was in the native month of Afsar two or 3 days before or after the middle of the month (that month Commences the end of June or the beginning of July) when we got there we said "Captain Robertson calls you, Come" Narroba said "shall I come without taking my dinner or After" then I said "it is my Master's order that you come without taking your dinner" then we came with him to the Jinna Warra (which means the Old palace of the Peishwa) Narroba alone came with us We went upstairs where Captain Robertson was sitting alone Narroba Outia and Captain Robertson made Salaam to each other and both went into an inner room without any one else the doors were shut they remained in the inner room about one English hour they were both in the room. the door was opened and Captain Robertson called from the inside "Sepoy come here and take Narroba Outia and give him in prison" when Captain Robertson called we went and opened the door and went in. it was not Open when he called (the word

interpreted

interpreted "Sepoy" may mean either Singular or plural
when we went in Narroba was sitting on a chair &
and Captain Robertson was also sitting on a Chair when
Captain Robertson said "Take him in prison" I said to
Narroba "Get up and go with us" then we took Nar-
6 roba and delivered him in prison we came down and
gave him in Charge of a Jemadar havildar and 15 or
20 Military Sepoys or Native Soldiers - it was the guard
at the door of the Old palace, when we got into the
room nothing more was said by Captain Robertson we
did not take hold of Narroba he walked down stairs
himself The Jemadar was sitting on a Chair and I
told him Captain Robertson said Put him in prison -
objected to by Mr. 7 there were some other prisoner in charge of the Guard -
Advocate General The Jemadar said to Narroba "Go and sit down here"
and overruled "with the Prisoners" The Jemadar and I went together
upstairs to Captain Robertson and the Jemadar said
"I have put the Brahmen in prison" Captain Robertson
said "Very well" the Jemadar then went away I and
my peons remained with Captain Robertson - then Cap-
tain Robertson said to me "Go to Narroba's house and
search his house" nothing was said before this about
the

the Peishwas Money or Narrobas house, Captain Robertson said nothing else, He said "Go and look if there is money or not" Captain Robertson said "you go to his house and search his house" I and Meyaputty went there- we were alone- when we got there we saw our Masters guard sitting there consisting of four poons- As we were going to Narrobas house we met a Karkoon or Clerk- of Captain Robertsons when we got there, there was another Karkoon of Narrobas in the house- the door was open and we went in to the house and the police poons were setting there- I and Meyaputty went in- Before we went to Narrobas house we met the karkoon and he afterwards came there- Narrobas Karkoon and his other servants were in the room where the guard was and his wife was inside the house down stairs- I went upstairs and I saw a door in the hall with a padlock on it- then I called out from upstairs to Narrobas Karkoon who was below "where is the Key of this room" and he replied "I have not got it Narroba has got it" I do not know the Karkoons name but I know him by his face- when he said "I have not got the Key go and get it from Narroba"

J.

I left Moyaputty there and went to Captain Robertson at the old palace. I said to him "There is no Key" and Captain Robertson said "go and break the lock." Then I took a Sepoy with me and we went to Nanoba's house and said to the Karkoon "Captain Robertson has ordered us to break the lock" then there was a blacksmith's
11 house I went to him and brought him there and ordered him to break the lock and he came and broke open the lock: when we broke the lock and opened the door we saw there was a stair case leading further upstairs and at the bottom of the stairs we found 28 bags of Money we took out four of the bags and I and Moyaputty opened two of them. in one bag we found gold Mohurs in another bag we found Venetians all the 28 bags were of the same size. they appeared
12 like two thousand rupee bags. the two bags we opened had each of them smaller bags inside there were about 18 or 20 small bags in each. I cannot tell how much the small bags held. I knew the two thousand rupee bags because one man can carry one bag. I have several times before seen Money bags I served 20 years to one Hurrypur Bhoy Shroff. I can speak to those being

two

two thousand rupee bags used by the Shroffs or Mer-
chants then I desired Meyapulty to sit down with the
money and called the four peons who were down stairs
and desired them to sit down there and Sean to Cap.
tain Robertson to inform him about it - I said to him
"we have found 28 bags of Venetians and gold Mohurs"
Captain Robertson said "Take Mr. Houston there and
bring them" - Mr. Houston was a European Writer in
Captain Robertsons Office Captain Robertson said to the
Garrison Sepoys "go with Mr. Houston" Captain Robert-
son was upstairs and said to an Orderly who was
there "give some Sepoys with Mr. Houston" pointing
to him - they were both in the Old palace - then we
went with Mr. Houston and some peons and some
garrison Sepoys to Narrobas house - altogether about
20 or 25 persons. then we all went upstairs where the
bags were placed and the bags were lifted up. Mr.
Houston said "Take away these bags" he said this
to the persons who accompanied him. He said "Take
these to the Juna Warra" then the bags were lifted
up and we all came to the Juna Warra and left
some garrison Sepoys at Narrobas house at that

15 time we did not go to any other place but we searched
down Stairs but did not go upstairs. After we had left
the guard at Nurrebas house we went with the bags
to the Juna Warra Mr. Houston was with us. We
went upstairs near a Chest and we placed the bags
near the Chest and afterwards Captain Robertson came
there. Captain Robertson took a Chair and sat down
and Mr. Houston and he opened the bags but not
all of them. They opened about four bags. Then Cap-
tain Robertson said to me "Call Rowjee Shewuck" who
16 was the Karkoon of Captain Robertson's treasury Nothing
else was said. I went and called him immediately and
he came and brought a Key. All this took place on
the same day. I came back with Rowjee Shewuck. Then
Captain Robertson desired him to open the padlock of
the Chest and he did. Then Captain Robertson said
"Put these bags in the Chest" the Chest was about
three feet and a half deep. We all assisted to put
the bags in the Chest. Then Captain Robertson put
17 his own lock and Rowjee Shewuck put his. he took
the Key of one lock and Rowjee Shewuck took the
Key of the other. Rowjee Shewuck took away the
same

same Key which he brought - and that opened one of the
lock the Key that opened the other lock was kept by
Captain Robertson - there were two locks on the Chest and
two different Keys. the Key which Captain Robertson
had would not open the other lock and Rowjees Key
would not open his - then we all went away - there
were 28 bags put into the Chest before it was Locked -
they were the same which were brought from Narroba's
house, I assisted in putting the bags into the Chest.
I put 2 or 3. in myself - the bags I put in were the
same weight as those I opened - the Venetians I saw
were Gold - when I first saw the 28 bags I lifted up
about four of them they were of the weight of
about two thousand rupees - when the other bags
were put into the Chest by the Sepoys they appeared
to be heavy: while we were going and coming to
and from Narroba's house he was in the puna Warra
in the same place where he was put by the Jema-
dar at first I saw Narroba in the Evening - I went
there it was after the money had been locked
up in the Chest I did not see him in the interval
between his being imprisoned and my seeing him

in the Evening. He was not present either when the
Money was taken away from his house or when it
was put into the Chest. He was never sent for at
20 was about 6 o'Clock in the Evening when I went
to Narroba. He was in the same place he was put
in by the Jemadar I told Captain Robertson that
Narroba said "I will not take my dinner I will
not eat bread" then Captain Robertson said there
is a Bramen to Cook for him if he will not take
his dinner I can't help it" Narroba had said that
he would not take his dinner. I had not any
conversation after with Captain Robertson. as he was
21 brought there without his dinner I said to him
"I am ordered by Captain Robertson to tell you a
Bramin is here he will give you dinner and you
will take your dinner." I had not any conversa-
tion with Captain Robertson after. about 5 or 6
days afterwards I saw Narroba coming with a Sen-
try upstairs in the Old palace to where Captain
Robertson was. Captain Robertson gave orders to me
to bring Narroba and I gave Orders to the Sentry
and he was brought I went down stairs and said

to the Jemadar "Captain Robertson wants Narroba" and
23 he gave him to a Sentry and he was brought -
he was in the Mana Some other prisoners were there
it was a place for prisoners before Respectable people
as well as other people were kept there - the Peishwas
brother was there his name was Appa Sahib - when
Narroba and the Sentry came upstairs Captain Ro-
bertson and Narroba both went into the same inner
room but what they talked about there I did not
hear - I did not hear any thing pass before they
went into the inner room - Captain Robertson went
23 inside and Narroba went and the Sentry stood
outside near the door in the same room with me
the door was open but they sat down on one side
and I could not see them. I heard a Voice "I do not
owe any thing to any one" it was a little louder
than usual - it was Narroba's Voice. I heard Captain
Robertson speaking I heard him saying "It is the
Peishwas Money" and Narroba said "it is not the
Peishwas Money, it is mine." Captain Robertson was
26 speaking angrily - I did not hear any thing else
said by him Captain Robertson was saying "it is

not

not your Money," and Narroba was saying "it is my Money." he was speaking loud and I gadged from the tone of his voice that he was angry. They remained in the room about two Native hours and then Narroba went with the Sentry. the Sentry took Narroba and Captain Robertson remained in the room. Captain Robertson said to the Sentry "Take him to prison" and the Sentry took him away I saw him
25 going with the Sentry. I was attending on Captain Robertson. I had not any conversation with Captain Robertson about Narroba, on the day the bags were brought nor on the day on which Narroba was
Gomastah and Kathoomyputt the same Individual
brought up from the prison. Captain Robertson desired a peon to bring Narroba's Gomastah to him on my hearing it was on the same day the bags were brought from Narroba's house first the bags were put in the Chest and then the peon was sent for the
26 Gomastah. about one or two Native hours after. I do not know his name. It was the head Clerk who was sent for. I saw a Clerk brought to Captain Robertson by the peon Captain Robertson was upstairs in the old palace. I should know the Gomastah

if

if I saw him again I never had seen him before.
I saw him several times after. (The witness is de-
sired to point him out which he does).
when he came he was taken by Captain Robertson
into the inner room and I did not hear what
27 they talked about. I did not hear what passed
inside but afterwards Captain Robertson said "Take
him to prison". They talked about a native hour
Captain Robertson said to a peon "take this man
(pointing to Narroba Outcast gomastah) to prison".
Then the Gomastah was taken to prison in the same
pucca Warra. I saw him being put in prison. he
was put in a separate room from Narroba. I some
times saw Captain Robertson and Narroba together
and some times Captain Robertson and the Gomastah.
28 Every other day or every third or fourth day the
Gomastah was called by Captain Robertson and
they had some Conversation and this was continued
for 20 days or a month. I do not recollect whether
or not any other Clerk of Narroba's was taken up.
The order was sent by a Peon to bring Narroba
which order was given by Captain Robertson I then

the

the Order given because I was always attending on
Captain Robertson - as soon as the Peon went down
Stairs the Sentry brought him and he was kept
29 one or two Native hours and then he was sent
back again Some days I heard Captain Robertson
saying to the Gomastah "This belongs to the
Peishwa why do you say it does not belong
to him" then I heard a reply from the Gomastah
"this belongs to Nana (Meaning Narroba Outia)
Sam Nana's Servant - I do not know whether it
belongs to the Peishwa or not" one day Captain
Robertson was angry with the Gomastah and
said Put irons on the Karkoon's feet" Then I went
30 and brought a blacksmith and put irons on his feet -

This part of the Evidence is objected to by
Mr. Advocate General -

Mr. Parry Answers the objection.

Mr. Morley on the same side.

Mr. Advocate General replies -

The Court will not decide the point now
the parties may move afterwards; they were put
on below Stairs by Captain Robertson's order he

was

was kept in irons about 2 Months and a half
or three months- They were taken off by Captain
Robertson's order- the same day they were taken
off he was set at liberty- when the irons were
31 on his feet he was coming to Captain Robertson
and Some times Narroba used to come- at dif-
ferent times- He used to come to Captain Ro-
bertson with the irons on his feet and a Sentry
with him- Sean recolled nothing more than what
I have already mentioned- Narroba was never
present at any of the Conversations which Captain
Robertson had with his Kaskoon. The Kaskoon
was never present at any of the Conversations
between Captain Robertson and Narroba. I heard Cap-
tain Robertson Speaking with Narroba "If you
32 will Complete the Cash Account of the Venetians
I will release you" he said "If you make up
the Account of the Venetians Cash I will release
you" one or two days after this, Narroba was
released- He was in prison about four Months
or a Week less than four months from the day
of the Seizure of his Money. afterwards a present

was

was given to him of a pair of Shawls at the time
of his being released. Captain Robertson gave them to
him, Between the time of the Conversation. "about the
33 Account of the Venetians of his release I do not recollect"
any thing else I heard Captain Robertson say "Bring
the Remainder of the Venetians and I will return
you the whole." Narroba replied "I have got 5
bags of Venetians which I will bring" and next
day those bags were produced. Narroba's peons
produced them and they were delivered to Captain
Robertson in the Old palace. I cant tell why they
were produced - I saw them brought by Narroba's Se-
poy. Narroba was not present - he was at that time
34 in his own house. the Sepoy said to Captain Ro-
bertson "Narroba has sent these bags of Venetians"
Narroba was released about 8 days after the
Conversation about Completing the Account of the
Venetians. Narroba was released one day and the
next day the Venetians were produced. I mean by
the next day, that a turban and Shawls were
given and he was released one day and the Ve-
netians were produced the next - the turban and

Shawls

Shawls were given on the same day on which Nar-
-oba was released - I was present when the Turban
and Shawls were given at the time of giving the
35 Turban and Shawls Captain Robertson said I shall
return you every thing don't make a Noise" then
Narroba made a Salaam and sat down and
soon after he went home.

Tuesday the 26th. September 1820.

Present

The Honble the Chief Justice.
Mr. Justice Chambers.

The Examination of Syaje Gungajee con-
-tinued by Mr. Parry -

I Know Some thing of Narrobas papers There were
some papers on his Swinging Cot in the hall - I do
not know what the papers were but they were ty-
36 ied up in a large bundle - there were some other
papers and Some books. Some papers were lying on
the floor opposite the Swinging Cot. Some papers and
Some books were on the Swinging Cot and some
were on the floor opposite the Swinging Cot.

Mr. Advocate General objects to any
Evidence

Evidence as to papers.

Mr. Parry Answers, Mr. Morley on the same side.

Mr. Irwin replies.

The Court allow the Evidence to be taken, the Plaintiff's Counsel undertaking to shew afterwards
37 that the books related to the money in dispute.
All the papers and books were tied up and deli-
vered to a Karkoon of the police Called Badjee
Punt who was on guard at Narroba's house and
we desired him to take those papers and books
to Captain Robertson. Captain Robertson Ordered me
to send the papers to him if there were any. Cap.
Sam Robertson said "Bring whatever papers there
may be in Narroba's house to me in the warra"
then I collected all the papers that were upstairs
and down Stairs in Narroba's house and tied
38 them in a piece of Cloth in a bundle and de-
livered them to the Karkoon and I said to him
Captain Robertson has given Orders to take all
these papers to him in the juna warra" I saw
Badjee Punt take them away I saw them

afterwards in the bundle at the puna kwarra. I saw them the next day and the third day I collected the papers together same day the Money was taken. I never saw Captain Robertson at Narroba's house. Narroba's wife was brought to bed about
39 that time. She told me that she had not got any Money for her Expences and I delivered the Message to Captain Robertson and he desired me to go to Rowjee Shenuck and take 20 Rupees from him and give them to Narroba's Wife. this was on the same day, that the Money was taken. I took the 20 Rupees and gave them to her on the same day the Money was taken from Narroba's house. Narroba's wife was brought to bed
40 either that day or the next I do not perfectly recol. but as it is a long time ago. it was not more than 2 or 3 days after.

Mr. Parry.

How soon before or after the day on which Narroba's Money was taken from his house was Narroba's wife brought to bed?

The Question objected to by Mr. Advocate General.

Admitted

Admitted as a Means Offering the day on which the Money was taken-

Two or four days before the Money was taken she was brought to bed when we went to Search, Nar-
yobas Wife said "Dont Come in Shave just been
41 brought to bed" when she said this, I said "you tell me a falsehood" and she brought out the Child and shewed it to me - it appeared to me about four or five days old. The Chest which was locked and of which Captain Robertson had one Key and Rowjee Sheruck another I saw opened by Captain Robertson or Rowjee Sheruck - I saw them both open the Chest, several times. I saw it opened after the money was put in it once or twice - first
42 time I saw it was about eight days after the Money was put in the Chest. it was upstairs in the hall in the puna Warra there were about 10 or 15 peons there. Rowjee Sheruck Captain Robertson myself and 10 or 15 peons and no one else - I did not hear any thing said by Captain Robertson before the Chest was opened - I saw Rowjee Sheruck taking money out of the Chest and

he

, he was putting money in; Some times he used
43 to take Money from the Chest and Some times
he used to put Money in - the first day Rowjee
took out this Money and Some time afterwards
Some other Money came and he put it in the
same Chest there were some Rupees in the Chest
before Narrobas bags were placed there - I did not
See any thing done with the money which had
been brought from Narrobas house, I did not see
them in the Chest. The Chest was as deep
as my breast and I could not see whether they
44 were there or not. about 2 Months or 2 Months
and one week afterwards I saw the bags in the
act of being taken out of the Chest and a Shroff
was called there - his name was Amichund Roye
chund Captain Robertson sent for him he sent
me for him - Rowjee Shewuck was down stairs
in the treasury and Captain Robertson Called him -
first the Shroff came and as soon as he came
Captain Robertson ordered a peon to call Rowjee
Shewuck Rowjee Shewuck came up. Captain Ro-
45 bertson desired him to open the Chest. Then

Rowjee Shevuck went down Stairs and brought the
key then Captain Robertson with his own hand
opened one lock and Rowjee Shevuck opened
the other lock - then Captain Robertson desired Row.
jee to take out the bags of Venetians to weigh
them it is a long time ago and I do not remem.
ber how many bags there were then Rowjee Shev.
vuck himself took out about four bags and laid
them on the floor Captain Robertson was sitting
on a chair and the Shroff was there - All the
same persons before Mentioned and Mr. Houston
46 were there. Mr. Houston was writing some thing
the bags taken out by Rowjee Shevuck were the
same as those brought from Nanabas house the
four bags were cut open and the small bags
taken out from them and all the Money poured
out on the floor and put on the floor in one heap
they were gold Venetians - they were weighed and
Mr. Houston and Rowjee Shevuck were putting down
the weights and afterwards the Venetians were de.
livered to one Hurrisurbhoy Shroff - Hurrisur was
sitting in the hall on one side and Captain Robertson

desired

desired him to be called he was in another room.
47 Ido not Know what the weight of the Venetians
was, there were only Venetians then Captain Ro.
bertson said to a peon "Go and tell the Guard
at the Gate to let the Shroff with these bags pass"
The Shroff took away the money Some men came
from his Shop and they Carried it away the Shroff
had some hamalls and his peon with him they
were down Stairs and when the Money was weigh.
ed they were sent for and Carried it away. Idon't
48 Know any thing else the Chest was locked and
one Key Captain Robertson kept and the other
was kept by Roupee Shenuck I saw Money
weighed only once when Narroba was released
and after the five bags were sent a Short
time after Narroba came to Captain Robertson
on the same day. they both went into a Room
and sat down there and I did not see any
thing I saw Narroba several times after his re.
lease speaking with Captain Robertson and
saying "Give me my money" when Captain Ro.
bertson was going to a place called Gurjeer Narroba

accompanied

49 accompanied his palankeen and said "Give me
my Money" it was said Angrily - he said "you
promised me to return my money and you shall
return it." Eight days after his release he frequent-
ly came and demanded his money and the time
he accompanied the palankeen and demanded his
money was about Eight days after his release
Captain Robertson said Dont come to me Go to
the Burra Sahib" and he ordered his Peons not
to let him come to him again Mr. Elphinstone
50 was called Burra Sahib. after having told Captain
Robertson that Narroba's Kartoon said that Narro-
ba had got the Key Returned to Narroba's house
and found four police peons placed there as Sen-
tries. I do not know how they came there - a Na-
tive of the name of Ankut now was the head
of the police. I did not see Narroba apply to
Captain Robertson after he had told his peons not
to let him come to him. at the time I went to
51 Narroba's house I was Jemadar or head of the Peons.

Cross examined by Mr. Irwin -

I wore a belt when I was in Captain Robertson's
service

service and a breast plate - and the peons under
me wore belts and breast plates the breast plate
was written upon at first there were ten peons un-
der me - there were no more Sepoys under me but
Captain Robertson desired me to give Orders to other
peons and I did - I gave orders to about 20 others -
they were bell peons and Some times they run
before Captain Robertsons palankeen, Some times they
52 did what they were Ordered to do and Some times
they Slept there at night as Watchmen - it was
not their business to guard prisoners but we did
attend to the Kutcherry the Garrison Sepoys at-
tended to the prisoners, the Kutcherry was Captain
Robertsons office the Kutcherry is the house where
the Collector sets doing his business my duty
and that of the peons under me was to at-
tend there and execute whatever Orders he
gave I Received ten rupees a Month - Mr Houston
53 paid me from the Kutcherry - I do not know
what was written upon my breast plate as it
was in English - Mr Houston was a Writer
in the Office - I continued a Jemadar of peons

for

for one year and Some months after this - Left
the service because one day Captain Robertson
was Angry with me about his Cloths which
were sent by his Butler and he gave me a
note and desired me to go to Ahmednugger
and take it to Captain Pettinger and Mr.
54 Hockley - I took the note there and stopped
there for one month - Mr. Hockley read the
note and ordered me to Superintend the work
of the prisoners and I was so employed for
one month - then Mr. Hockley gave me a
note and desired me to take it to Captain
Robertson and so I did. I did not leave the
service then but I brought the note to Captain
Robertson - when I came there with the note Capt.
Sain Robertson and one Mr. Fearon were sit-
ting there then Captain Robertson read the
55 note and was angry with me and said to me
"Dont shew your face to me" I said to him "I was
in your Service I did not Commit any wrong
I did not receive Money from any one" then
Captain Robertson said "you go Dont shew your

face

face to me and then I went away.

Mr. Irwin.

Had you then been Charged by Captain Robertson or any one else with having taken Money.

The Court desire the witness may be informed he need not answer the question unless he likes.

56 I never had been Charged with it by any one I was a Servant and I said I did not Commit any Wrong I did not receive any Money. I was dismissed from Captain Robertson about 5 years and a half or 6 years ago. did not go into the service of any one after that. I have served no body from that time up to the present. I have held a grass farm under a Contract with Government a farm at Poonah. I still hold the farm I have been in Bombay four months and a half

57 I have no business in Bombay. I staid for 2 months at one Bapoo's house whom I had known at Poonah a Mussulman who lives in Bombay owed me some Money and I have his note in my hand and for that reason I came to recover it. I have not

yet

yet recovered it He promised to pay in two Months.
this people call him Nabob - In my paper his name
is Balbaram While I was in Captain Robertson's service
58 after Narroba's release I did not talk with any one
about Narroba's business I never talked with Nar-
roba or any of his people about it - After I was dis-
missed from Captain Robertsons service I did not
talk with Narroba or his people about it I never
talked during the five years I was at Poonah
after my dismissal with Narroba or any of his
people about the Money being taken away or
Narroba being put in prison or his Gomasta to being
put in prison and in irons - I never spoke to my
59 friends or to any other person - One Seetaram told
me since I came to Bombay that I was to be sum-
moned and it was better that I came here and
if I did not come I should be fined a thousand
rupees I had said Nothing to Seetaram before this.
I had not before Seetaram spoke to me told any
body that I knew all about these Matters and could
give Evidence concerning them. Nobody enquired from me
but I received a Summons in the Bazar. I got a

Summons

60 Summons the day after I spoke with Seetaram
I did not tell Seetaram that I knew any thing
of the Business at all. I did not tell Seetaram
or any one that I knew any thing of it. I spoke
with nobody about it. after I was summoned
I went to the Attorneys Office and he took down
what I said - after I got the Summons I received
some Money for my Expences with a desire that
61 I would not go from Bombay and if I did I should
be fined a thousand Rupees. Before I went to the
Attorneys Office I did not tell any one that I knew
about this Business. I received 15 Rupees for my Ex-
pences I have never been in the Plaintiffs service.
I have never driven his Cart - when Amerchund
came to the Fort to go to his Solicitor, Jac.
companied him but I did not drive. I was in
the Coach box. I was taken to Mr. Grants house
at Breach Candy - I do not know how to drive.
62 I drove a Bullock Carriage about 15 or 16 years
ago and I cannot drive a horse Carriage. I nev-
ver served Amerchund nor received any Wages
from him -

To-

To a question from the Court.
In the part of the prison where Narroba was kept there were also low people as well as respectable.

The Mark of Sy.
V
Sayee Gungajee

The above contents were duly read over and interpreted to the Deponent by me.
(Signed) Md. Ibrahim Mushka
Sworn Interpr.

The witness after reading this deposition over affirming by assures the allowances of 8 fo. Ten

Dhondoo Ballol Sworn Examined by Mr. Par.

63 I am without employment at present, I have been without employment for these ten years I am a Narroba Putia son of Narroba Putia my pay rid.

Khrubhoo Putia Bramen and my people support me on account of My age - I am Sixty years of age I remember Narroba Putia - I was Eighteen Years in his Service I Kept the money on his Treasury - I know Captain Robertson I was in that situation in the Treasury 64 for 17 or 18 years - I was a Karkoon - I recollect the time some property of his was taken I was with him at the time - Narroba was a rich Man he had ten or fifteen appointments under Government I mean that he had ten or fifteen Subars or Provinces for which he paid to the State a Certain Sum and whatever there might be more he kept for himself, I cant tell what he paid to Government - My business was to take care of Narroba's money and to keep the Keys - I was in 65 his house and saw money come from the different Subars - and Kept the money - Narroba himself kept the account and I had the Key.

I

I did not go with Narroba to the Subars but he himself used to go. I cannot tell how much I was in the habit of receiving in a year for Narroba. about 10 or 15 lacs of Rupees in a year were coming and Going - about 10 or 15. Lacs of Rupees were received - so I guess - from my having been
66 his Treasurer I think that was the amount -
When I first knew Narroba he held a Subar called Shingur Near Poona - I know it because people of Singur were coming and going and some transaction was carrying on with that place. Money was received from that place and some times Money was sent to that place - he held the situation for 2 or 3. years - I received that money from that place and had the Key of the Treasure I can't tell what he received from Shingur during these 2 or 3 years, Narroba himself kept the ac-
67 -counts - I only kept the Key I never kept any accounts - I only kept the accounts -

Mr. Morley takes up the Examination -
Narroba was the head of the private treasury of the Peshwa - To my Knowledge Narroba

Visited

Visited the Peishwa - he attended him day and night - I have seen Nanoba with the Peishwa - Some times he dined with the Peishwa Bajee row I recollect the Peishwa being displeased with Nanoba and his taking away the Khasgeet - I cant recollect how long ago it is I remember
68 his losing the Khasgeet - it was about Eight months
Eight for me
The witness wish this to be altered as he is not sure on this date.
or two months before the English took Poona - as long as the Peishwa was in the Government of Poona Nanoba held the situation of Khasgeet but when he was dethroned he lost it - I remember some persons coming to Nanoba's house
The witness wishes this altered to 8
and taking away Money - it was about Eight months
69 after the Peishwa went away from Poona and the English Government was established - It was in the year 1710 (A D 1818/19) I do not recollect the Month or date - it was in the hot season.

2. Whether after the British Government was established at Poona the witness was ever imprisoned at Poona -

The Question Objected to by Mr Advocate General -

Question

Question allowed by the Court-

a Yes I was

2 By whose Order was you imprisoned-

Objected to by Mr. Advocate General-

Mr. Morley answers the objection-

Mr. Advocate General replies-

70 The Question allowed-

a. By Captain Robertson's order I heard the order given- Captain Robertson asked me about the money after I was imprisoned, Captain Robertson asked me "whose Money was this" and I said "It belongs to Nauroba Cubia" then was no money there- Captain Robertson said "The Money taken away to whom does it belong" First Captain Robertson asked me

The witness wishes this to be altered to 8 days because he made a Mistake

"Whose Money is this" and I said "It belongs to Nana- It was 2 or 3 Eight days after I was taken to the gunna warra. he meant the Money

77 that was taken to the warra when the money was taken- I was present when the lock was broken and the money taken away- I knew there were gold Mohurs and Venetians-

Wednesday

Wednesday the 27th September 1826

Present

The Honble the Chief Justice
Mr. Justice Chambers

The Examination of Dhondoo Bullooll
Continued by Mr. Morley-
Recollect the bags of Money being taken from
Narroba's house. I was present Mr. Houston came
to take away the money First Badjee Punt,
Syajee and Meyapultty came there and Opened
72 the treasury room. about noon Narroba Outia
was taken away to the Warra - then Badjee
Punt and other people came then they asked
for the Key and one Succaram who was below
gave the Key of One treasury room below then
Badjee Punt opened the treasury room and
took a list of the things which were in it
then they went upstairs where the Other Treasu-
ry room was, in which there were gold Mohurs
and Venetians. then they asked me for the
Key of the padlock - I said "Narroba has it"

then

73 then Badjee Punt sent for a Blacksmith who
came there and broke the padlock - and Badjee
Punt Syajee and Meyaputty took out four bags
of money they opened two of them - One of
which Contained gold Mohurs and the other
Venetians - then Badjee Punt sent word to
Captain Robertson and Mr. Houston came there
with 25. or 30. peons, then they took out all
the bags which were 28 - fourteen of which
Contained gold Mohurs and fourteen Venetia-
-ans - I filled them with my own hand - the
74 bags were taken away - 28 bags - and after-
-wards I and Succaram were taken to the
puna warra in each Bag there were one hun-
-dred tolas of Venetians - One tola Contains
three and a half Venetians a little more
or less - I can't tell the amount of each
bag of the fourteen, but I can tell the amount
of the whole fourteen bags - there were twen-
-ty eight thousand four hundred and Sixty
tolas of Venetians in the whole fourteen bags -
in the other fourteen bags there were gold
Mohurs.

Mohurs. there were Twenty seven thousand
75 seven hundred and Eighty six gold Mohurs.
in those fourteen bags it was usual to put
Two thousand gold Mohurs in each Bags
I kept the account of the Venetians and
gold Mohurs when they were in Narroba's
possession. I kept the account on pieces of
paper not in books. When I was taken to
the warra I was put into one room and the
other Kartoon was put into another room
and Narroba was in another. When I was
first taken there I did not see any one.
76 I was put into a room and a guard was
placed over me.

Mr. Irwin Objects to this Evidence.

The Objection Overruled.

I saw the bags taken away from Narroba's
house. I did not hear any order given to
put me in prison. about 8 days after
I was put in prison I saw Captain Robert-
son. a Sepoy took me upstairs in the
puna warra. First Captain Robertson asked
me

me "Whose Money is this" (the Original word is "awuy") I said "It belongs to Narroba Outia". Then Captain Robertson said "Narroba says it
77 is Sircars (the States) Money." I said this belongs to Narroba why does Narroba say so. and this transactions was done by my hand." Captain Robertson said "Tell the Truth otherwise I shall put you in irons and send you to a fort. I replied "Do what you like but this Money belongs to Narroba. then irons were put on my legs and my legs still give me pain. Blacksmith put them on. Some people were there but I do not know them.

Evidence Objected to by Mr. Advocate
78 General

Mr. Irwin and Mr. LeMesurier on the same side

The Objection Overruled.

the irons were put on immediately after the Conversation with Captain Robertson. I heard him say "Put irons on" I did not see Captain Robertson again. The irons were on me for

two

two Months My imprisonment was a close one.
I was confined in one room and no yard but
there was another room adjoining it for ne-
-cessary occasions and for washing in - My
friends and relations did not come to see
79 me - The Sepoys who were over me said
"Don't speak to any one don't read book
set quiet" (the original is "Totee" Signifying
books of religion) When I requested the
Sepoy to call some one he said "I have or-
-ders not to call any one" During the time
I was imprisoned I never saw Narroba or
the other Gomastah - Some time after I was
liberated I saw Captain Robertson. it was
some time after the irons were taken off
my legs - I saw him the day I was released.
80 Narroba Cutia was there and several other
persons. Annoba Ratay Kur and Several o-
-thers - The other Karkoon of Narroba
was there before Mr. Robertson - At that
time Captain Robertson said to Narroba
"Stock away your Character and therefore I give
you

you this Turban and Sash as a present" Narroba said
"What do I want this for give me back my Money
that will be sufficient" then Captain Robertson re-
plied "Bring the remainder of the Money and
I shall compare the account and then I shall re-
turn it" then Captain Robertson said "I take my
81 Oath I will return it" he said "I shall send
the Money to your house" I was head Cashkeeper
to Narroba and had the key of the Treasury room,
I had been head Cashkeeper for 17 or 18 years. At
that time and 2 or 3 years before that they kept
Nothing in the room the bags were taken from
except bags of Money.

Cross examined by Mr. Irwin.

Three or four years before this time Narroba was in
the habit of purchasing Venetians and putting them
82 there. The 28 bags had been there during 3 years
but they were not filled. Not Complete. as the
Venetians were purchasing. the bags containing the
gold Mohurs had been there 3 years. they had
not been Complete for 3 years. the Gold Mohurs
had been purchasing the same as the Venetians.

Captain

Captain Robertson took away the bags in 1740 (1818/19 A.D.)
and Narroba began to purchase them in 1732
(1810/11 A.D.) the bags were completed in 1736.
(1814/15 A.D.) four years before they were taken
away - it might be more than four years - all
83 the bags were completed and tied up in the same
state in which they were taken away by Captain
Robertson in 1736 (1814/15 A.D.) they were in the
same room during the four years, in which they
were found by Captain Robertson - the 28 bags - I re-
-member the time when Narroba went to Rhyegur
before the Peishwa left Poona, I did not go with
him - Narroba went to Ryeghur the same night
the Peishwa left Poona - it was Rabig sood 8.th 1740.
84 at night - (November 3.rd 1818. A.D.) He did not keep
the Money in the room where it was found by
Captain Robertson - I do not know where he kept it
at the time Narroba went to Ryeghur he did
not keep the Money in the same room Captain
Robertson took it from but some where else out
of the house - but I do not know where - When
Narroba returned from the Fort then the Money

was

was brought into the house - it was on yest soodi
10th 1740 (June 14th 1818 A.D.) the whole was not
brought back on the same day but within a
85 Space of 8 or 15 days - the Money was taken
away by Captain Robertson's people on Ysar sood
15th 1740 (July 17. 1818 A.D.) I received the money
bags in my Charge as they came - I can't tell
how many were brought at a time but they
all came in a week or a fortnight - I mean
the bags filled with gold Mohurs as well as
the Venetians - I did not Count the Contents of
the bags but I counted the bags of money - I nev-
-er opened the bags or Counted them from the
86 time I received them last until they were taken
away - Before Narroba went to Ryeghur I had
Charge of the Treasury and up to the time that
he went - I had charge of the 28 bags before Nar-
-roba went to Ryeghur - they were in the same
state and Condition as I received them in af-
-terwards - Two or four days before Narroba went
to Ryeghur the bags were taken out of my
Charge - I do not know where they were taken

to -

87 to they were taken out of the house - Narroba
Outra and another Man called Narron and
Some Sepoys took the bags away - it was
not Balcrishna Narron the Killedar of Ryeghur -
I had not opened or counted the contents of
the bags just before Narroba went to Ryeghur -
I did not at any time open them but when
Narroba Opened them I saw the Contents - I do
not recollect how long ago he opened them -
he opened them to see them, not to take
Money out - to see and to examine them - he
88 Opened all of them - When he opened the large
bags there were Small bags in the large bags -
he opened the Small bags and Counted the
Contents of them - He did not Count them all
at once - he did not Count all in one day - he
Counted Some on one day Some on the next
and some on the next - I Can't tell how long it
was before he went to Ryeghur - I can't tell
whether it was within a year before - I can't
89 tell whether it was one year or four years -
I remember the quantity of Money that was in

them very well I purposely kept it in my Memory - there was no use in Keeping in Mind the time of Counting it - I recollect it perfectly well and by that I mention it - why should I mention it if I did not recollect it - I used to Keep a Memorandum or list but when it was Completed I remember the total very well - there were no Marks or letters put on the outside or the inside of the bags - there was no chitty
90 (or ticket) inside or outside - I did not find any ticket or label upon any of the little bags with the name of Serreswuelly Chae - on it Narroba Oudia and Narroba Despondya brought the bags of Money back - from the year 1736 (1814/15 A.D.) to 1740 (1818/19 A.D.) and up to the time that Narroba went to Ryeghur - the bags were Complete and tied up and remain-
ied in his house but they were taken Away
91 just before Narroba went away - Narroba did not Mention to me where he was going to place the bags - he never told me that the bags had been taken to Ryeghur - In my Conversation with

Captain

Captain Robertson I never said "I do not know whether the money belongs to the Peishwa or to Narroba" but I said it belonged to Narroba I was the Keeper of all Narroba's Rasgeet Money (private Money) I mean by Rasgeet all belonging to Narroba - there was no other Money in any other part of the house than
92 the Treasury room upstairs. at the time we had the Khasgeet of the Peishwas we paid Money to Bajee Row's people - it was up to the year 1732 (1810/11 A.D.) Narroba was Khasgeet Keeper to the Peishwa after the year 1732/1810 /11. A.D.) up to 1736 (1814/15 A.D.) he was not Keeper of the Khasgeet up to the day of the Peishwa's flight - In 1739 (1817/18 A.D.) it was all settled and given up - I dont recollect the
93 Month Narroba Outea and another Karkoon had the Charge of the Peishwa's Khasgeet, but I had not any; the Money of the Peishwa's Khasgeet was kept in a room upstairs in Narroba's house, it was kept there up to the Settling of the accounts in 1739 (1817/18 A.D.) there was no particular

particular Name for the room the name of the Karkoon who had Charge of the room was Mullar Punt - I dont recollect whether Narroba received any revenue from the farms at the time of
94 the Peishwa's flight - He was Killedar of Ryeghur at that time - He did not receive the revenues of the district called Mahar - it did not come to Poona but went to Ryegur - I did not keep the account of the Peishwa's Money which Narroba had in his hands but one Mullar Punt did - I may have entered the Peishwa's Money that came into Narroba's hands as well as Mullar Punt - I may have made entries of the Peishwa's private Money that came
95 into Narroba's hands, I did make some entries and Mullar Punt did also, they were true entries - they were made by Order of Narroba - Narroba dictated to me and I put it down -

Exhibits shewn to the witness by the Defendant's Counsel -

These are my hand writing but Cancelled - the part of the Exhibit Marked No. 1. which is in brackets +

brackets and Marked A.A is not in my hand
writing the rest is- that part of the Exhibit
Marked N°. 2. which is Marked in the same
96 way as the last is not in my hand writing
but the rest is- the whole of N°. 3. is in my
hand writing-

N°. 1. Shewn him.

The date is put down by another Man's hand.
there is no date of mine and Cannot tell
when I wrote it- I don't recollect whether I saw
it or not after the Other writing was on it.
I dont recollect whether it was written about
the time that Narroba went to Rajeghur or
not because the date is not written here
97 (pointing to the part in his writing the wit-
-ness having looked over the Contents of the pa-
-per) I don't recollect whether Narroba dic-
-tated this to me or not but I recollect my
own handwriting- Narroba saw this paper- he
never took any objection to it- but it is can-
-celled-

N°. 2 Shewn to the Witness-

I

I cannot say upon what occasion this was writing as there is no date to it I cannot say upon what occa-
sion I wrote it from looking at the Contents Nar-
98 roba May have dictated it to me but I cannot recollect whether he did or not- Narroba must have seen it- I do not Recollect whether he made any Objection to it- it is a long time ago I tore it up as it was cancelled-

No. 3 Shewn to the witness-

Narroba saw this paper- he did not make any Objection to it- This was not properly written therefore I cancelled it- Narroba cancelled it- he said it was not properly written and tore it up- I mean it was incorrect- not Correctly written-
99 I did not enter it with my hand in any other account- I was put in prison the same day as Narroba- We all three were impresoned on Afsar sood 15th 1740 (July 17th 1818 A.D.) I had no Con-
versation with Captain Robertson before I was put in prison- at the time of putting irons on me Cap-
tain Robertson made some enquiries of me- this was before he put me into irons- we had been

talking about a native hour (24 minutes) before
100 I was put into irons I saw Narrota taken out from
his house- He was performing his Ablutions at the
time, and he was taken away without eating his
meal- I was taken away about four or five native
hours after Narrota was taken away (a native hour
is 24 minutes.) I did not go upstairs to Captain Ro-
-bertson- they Kept me below. Eight days after
I was Apprehended I saw Captain Robertson-

Exhibit Shewn to witness Marked No. 4
This is my handwriting- the whole of it is in
my handwriting-

Recxamined by Mr. Morley

No. 4 Shewn him-

101 I wrote this while I was in imprisonment by Captain
Robertson- it is a long time ago and I do not
recollect whether I had the irons upon me or not.
I do not recollect who gave me the paper- Hurris-
-sur boy or Attia Ghorrojee- either one or the other
of them may have put the paper in my hand- I
wrote this paper in the presence of those two persons
and Captain Robertson, I came to write this paper

because

because I was kept in imprisonment and I was de-
sired to write it- and I wrote, Hurrisur Roy or Ah-
102 ba Ghoorooje said to me "write down what you
know" They desired me to write down what I knew
and they also dictated words to me to write down
which I did because I was in imprisonment. They
spoke loud enough for those who were present to
hear-

No 4 Shewn him again-

I don't recollect whether I ever wrote before on this
kind of paper it appears to be English- I don't re-
collect whether I ever wrote on English paper before.
103 Atha Ghoorooje was at that time in Capt. Robert-
sons service. I do not know what is the nature
of his employment was in his service. Hurrisur boy
was a Shroff at Poona. I do not know whether
it was his Business to purchase Venetians and
other Coins but he was a Shroff-

No 1 Shewn him-

I have said that a great part of this is not
my hand writing and that it is a Cancelled ac-
count, I do not recollect whether the part which is

not

104 not in my hand writing was there at the time it was Cancelled. Narroba Cancelled this paper. I do not recollect whether any thing was said why he Cancelled it Narroba said "why have you written so" and he tore it up, Narroba said it was incorrect and therefore he tore it.

No. 2 Shewn to the witness.

Narroba Cancelled it. Narroba said "It is not properly written" and he tore it.

No. 3 Shewn to the witness.

Narroba Cancelled this - he said "it is not properly written" after they were Cancelled they were put in
105 a bundle of waste papers - the bundle was put in a handkerchief and placed in the Treasury room in my Charge. I dont recollect where they were at the time I was taken up I dont recollect where I saw them last before my imprisonment. Narroba first ceased to be the Peishwas Khasgeet Keeper in 1732 (1810/11 A.D.) and again he was appointed in 1737 (1815/16 A.D.) and he ceased again in 1739 (1817/18 A.D.) I do not recollect whether the Bags were opened between 1730/1814/15 A.D.) and 1740/1818/19 A.D.)

106 A.D.)-

The above contents were duly interpreted to the Defendant by the Sworn Interpreter
(Signed) Ardaseer Byramjee

(Signed) धोंडो बल्लाळ
Dhondoo Bullall

Gopall

Gopall Rowjee Thevuck sworn. Examined by Mr Parry.

I am a Shroff and a Money lender. I was in the service of Captain Robertson. I was employed in the business of the Treasury. I was the Cash Keeper From the day the English entered Poonah I entered his service. I was in his service four years and a half. I recollect being sent for by Captain Robertson to put some Venetians and gold Mohurs in
107 to the Treasury Chest. When I went there Mr Reardon was there, some peons, and a Kartoon of Police, and afterwards Captain Robertson came there, some bags were lying down there some bags were tied up and full but I did not count them. when Captain Robertson came two of the bags + were untied and the contents were counted the Contents of only two bags were counted and the rest were left, the whole Number of bags was count-
108 ed. there were 28 bags altogether. the two bags were open some smaller bags were taken out one of the large bags contained gold Mohurs and the other Venetians in small bags the Venetians and gold

Mohurs

Mohurs were Counted - each small bag Contained a hundred gold Mohurs and altogether two thousand gold Mohurs were in the large bag they were sw. rat Com. the Venetians in each small bag were one hundred tolas in weight. there were 20 small bags of Venetians in the large bag. there were 20 small bags containing gold Mohurs in
109 the other large bag. I took one Key from Captain Robertson and one Key I had got myself and I opened two padlocks of a chest and put all the bags in the Chest having first tied the mouths of the two bags which were opened. There were 5 or 7 Chests upstairs in the Treasury of English Government and there was a Government guard on it. and this Chest was one of them. I locked both padlocks and I called the sentry who shook
110 and examined both locks. I then delivered Captain Robertson's Key to him and kept my Key myself some peons, Mr. Wroughton, and some Sentries were present. Tyaga and Meyapully were present. A Month or two after this the Chest was opened when the Venetians and gold Mohurs were sold.

I

I do not recollect whether the Chest was opened
between the time of the bags of Money being
put in and the gold Mohurs and venetians being
sold the second time. I went there because I was
111 sent for. I found two or three Shroffs there viz:
Hurrosurthoy, Dorabjee, Dowlutram Gummeer Mull.
Captain Robertson was there and some other people.
I had some conversation with Captain Robertson
before the Chest was opened. Captain Robertson
called a sentry then he said to me "open the
lock." a naick (or Corporal) came there and said
to the sentry "Let him open the Chest" then I
unlocked both padlocks and I took out the bags
of gold mohurs from the Chest I do not recollect
how many I took out, the Karkoon was making
112 a note I mentioned to him what he was to put
down and I was looking over him. The Karkoon
put down what I told him and I saw it. I don't
know where the paper is. It was put in the
Duftar or records of the Circar. I put it there
with my own hand. the venetians were not
taken out on that day. The bags were put

in

113 in the Chest as a deposit. I heard Mr. Houston say
The Witness on having his attn. drawn to read over to him what he said in this to "who was over." these bags Come from Narroba Outra's house, who was which were there of over the Sircar's treasury Captain Robertson was present. I do not recollect whether the bags of gold Mohurs which I took out on the Second Occasion were the same as were put in before or other bags but I have put down the particulars in the account I made out the account at the time it is in the Government duftar I placed it there myself. The
114 Chest opened in the second occasion was the same Chest. There was only one Chest of gold Mohurs. the gold Mohurs and venetians were kept in the same Chest. all the gold was in one Chest. the bags which were brought from Narroba Outra's house were triangular the others were oblong and that was the only distinction between the bags. all the 28 bags were of a triangular shape. there were no other bags in that Chest of a triangular shape. I do not recollect how many bags were
115 taken out on that occasion and I cannot tell which gold Mohurs bags were sold first the triangular or the oblong. The gold Mohurs were

taken

taken out and the Shroffs said "the rate is fifteen rupees for one gold Mohur" and Captain Robertson said "some Shroffs have offered fifteen rupees and a half" then the gold Mohurs were delivered to the Shroffs and the Shroffs people carried away the bags, and the sentry went with them and afterwards the Chest was locked. a Naick Came to Captain Robertson and said "The
116 Shroffs are taking away the Gold Mohurs" and Captain Robertson said "Let them take them away" some price was mentioned at which the Shroffs bought them but I do not recollect it, it is mentioned in the account some for fifteen and some for more than fifteen. Certainly not less than fifteen but I can't recollect. it is Mentioned in the account I put down the amount for which they were sold with my own hand in the duffar all the gold Mohurs and Venetians were sold
117 at 2 or 3 different times. I examined and Received the Money for them and put it in one of the 5 treasury Chests of which I have spoken above. I cannot tell how much I received altogether. The

treasury

treasury belonged to the English - Mr. Rouston was the writer and Captain Robertson was the head of that treasury - I received orders from Captain Robertson to pay to such a man of the army and I paid to him. I remember some other Venetians being brought there - They were brought at sundry times by sundry persons. afterwards five bags of Venetians were brought there by Narroba's house people. 118 this was after the opening of the Chest the second time - about 15 days or a month after - I went to the wassa being called and saw Narroba's man and one Turcan's man sitting there with the Money but Captain Robertson and Narroba Cubra came there afterwards. I did not see whether they came together or separate. Whilst the Venetians were counting Narroba said to Captain Robertson "Sir Give me order for my Money" Captain Robertson replied "I will not take your 119 Money. I will see the account and if the Money belongs to you I will give it to you and if it belongs to Government I will keep it" Narroba said "Very well look at the account"

at

at that time the Shroff weighed the Venetians and they were some thing less than ten thousand Tolas- two or three or four hundred tolas less- the amount of those tolas was entered by me in the account- Whatever Money was sold of Narroba's was put down in the account-

120 Friday the 29th September 1826.

Present

The Honble the Chief Justice
Mr. Justice Chambers

Gopall Rowjee Shevuck recalled. Examination Cont. Sensued by Mr. Morley-

I Cant tell how much each of the 5 bags contained but altogether in the 5 bags there were 34 or 35 thousand Venetians Before I came to the puna warra the bags were placed there. then Captain Robertson came there and ordered me to Count the bags and a short time after Narroba Outia came there. Narroba said to Captain Robertson "Give order that My Money may

121 may be given to me - this was on the same
day that the Money was brought to Captain
Robertson - Captain Robertson said "Wait I shall
look over the account and if the Money belongs
to you I shall give it to you." I did not hear any
thing else. The five bags were then at a little dis-
tance from the Chest I did not hear any thing
said respecting the former Venetians and gold
Mohurs taken from Nundas house - Captain Ro-
bertson said "Count the bags of money and re-
122 -ceive them" Then I sent for a Shroff and he
came I opened the bags and the Shroff weighed
the Contents of them They weighed ten thousand
tolas or some thing less Captain Robertson, Mr.
Houston, the Shroff and some other persons
were present - a Memorandum of the weight was
made by a Kurkoon upon a piece of paper when
they were weighed - I do not recollect who made
the Memorandum whether it was Gopall Row
or Ballaye Punt Kurkoons of the Sircar (English
Government) they were under me and our head
123 was Captain Robertson - The Memorandum was

just

put in the same Chest with the Money - after the
5 Bags of Venetians were weighed they were put in
the same Chest where the former Money was Kept.
they were put there by Captain Robertson's Order - Capt.
Sam Robertson's Key I delivered to him and mine
I Kept. there were two padlocks with two different
Keys - no other list was made to my Knowledge.
Mr. Houston was writing at that time and I was
124 writing just he made a Memorandum. I saw
him make it - I did not hear Captain Robertson
give Mr. Houston any directions or orders at that
time - The first time there were 28 Bags of Money
came to the Juna Warra - Fourteen of them Con-
tained Venetians and fourteen Gold Mohurs - I
heard from Captain Robertson that they came from
Narroba Outra's House. When the Gold Mohurs and
Venetians were sold I weighed them. there were
something more than Twenty eight thousand
Tolas of Venetians - I weighed them in the presence
of Hurrisur Shroff Dyaram Atmaram Shroff Rye.
125 - chund the weigher Captain Robertson and Mr.
Houston. when they were weighed the Darkoon

put

put down the weight and also the sale of them on
a piece of paper. it was either Gopall Row or Bal.
lajee Punt. Captain Robertson and Hurrisur Bhoy
were talking and Dyaram Atmaram was there. Cap.
tain Robertson desired me to give the Venetians to
Hurrisur Bhoy and Dyaram Atmaram. Then they
took away the Money and a Sentry accompanied
them. Captain Robertson gave orders to the Sentry
126 to let the money pass from the Juna warra. the
Sentry was a Military Sepoy. they immediately
left the juna warra. they were taken by Hurrisur
and Dyarams men. I caused these entries to be
put in an English book. they were written in
the English Character which I do not understand.
I dictated from my memorandum in the Mahratta
language, and it was put down in the English
language. I dictated to Ballajee Punt or Gopal Row
who mentioned it again to Mr. Houston. They
Mentioned it in hindoostanee. I heard them ex.
plain it to Mr. Houston and he immediately
127 wrote when Ballajee was mentioning to Mr.
Houston he was writing in a book. He kept

the

the account. I heard from Captain Robertson what entry was made in the book and I was present at the time of Comparing my Memorandum with the account which was written in English by Mr. Houston. The Memorandum made by Gopall was tied up in the duftar. These duftars were kept in the Treasury room Separate. I saw these Memorandums the last time in the duftar in the Treasury room

128 Mr. Morley reads the notice Marked **D**, Calls for the Memorandums of the weight and sale made by Gopall or Ballajee Punt and also the Book in which Mr. Houston made the Entry of the weight and sale of the 14 Bags of Venetians

Examined by Mr. Advocate General: The day I left the service I saw them last. about four years and a half or five years since I left the service. I have no reason to believe there was the
129 smallest difference between the Entries made by one of the Karkoons under me and those made by Mr. Houston.

The Lists made by the Karkoons are

produced

produced by the Defendants and shewn to the wit-
ness, when it is Contended by the Defendants Counsel
that the notice did not extend to or Cover them.

No. 6 Shewn him.

This is Ballajee Punts hand writing. he was a
Tasheeldar under me in Captain Robertson's Office.
this was written in my presence. I dictated it and
Captain Robertson and Mr. Houston were both
by. it was written at the time the 28 bags of
130 venetians and gold Mohurs were brought to Captain
Robertson. the number of tolas of Venetians is
Mentioned here. twenty Eight thousand four hundred
thirty seven and a half tolas and two Mashas
(two twelfths) the number of gold Mohurs mentio-
-ned here is Twenty seven thousand seven hun-
-dred seventy Nine and one quarter gold Mohurs.
Three thousand four hundred and Eighty eight of
these were Punch Mule (of Various different
Kinds not being surat or Bombay) I mean so
131 many pieces. they are called Gold Mohurs. some
were Delhi some arcot, some Ahberry. The Papers
No. 5. 6. 7 and 8 are all genuine papers.

The

The Examination upon this Subject is postponed until the papers are translated.

After the delivery of the five bags Narroba used to come to Captain Robertson but I do not know what Conversation he had with him - In the Course of a Month I have seen him come five or ten times - Narroba was in prison in the juna warra
132 for 3 or 4 Months before the 5 bags were brought. I had seen Narroba in the prison but I did not go to speak to him - I saw him 3 or 4 Months he was upstairs and our treasury where I was, was below stairs. I never saw Captain Robertson and Narroba together while Narroba was in prison I know Condoo Bulloll the Kaikoon of Narroba the was also in imprisonment in the juna warra, but in what room I do not know - I never saw Captain Robertson and him together I saw Condoo Bulloll 2 or 3 times when he was taken
133 by the Peons upstairs. he had irons upon him -

Cross examined by Mr. Advocate General.

I saw the Money was brought. I recollect it was brought in the Month of afsad (June/July) I saw it

it when it was first brought from Narrobas house
I did not see it bringing but I saw it the first
day it was brought on that day I did not see
Narroba. I saw him about a week or a fortnight
after the day on which I heard he had been taken
134 to prison after 6 weeks or 2 Months after the
Money was brought, I saw Dondoo Bulloll taken
upstairs to Captain Robertson. I did not go upstairs
at the same time but when I had occasion to go
I went. I never was in the same room with Don-
doo Bulloll and Captain Robertson at the same
time. First Narroba was confined below stairs
and afterwards upstairs I can't tell how long he
was below stairs about a fortnight or a Month
135 he was confined below stairs. I am sure he was
below stairs more than a fortnight. I was in the
habit of being at the juna warra Every day
in the way of business. I was there every day
from the time that the money was brought from
Narrobas house up to the time I saw Dondoo Bul-
loll because it was my duty to attend there.
No papers were brought along with the Money.
They

they were not brought to me. I never saw any
papers brought from Narrotas house to the juna Mar.
136 -ra. when the bags were opened there was not any
paper in any one of them. I opened them all
Myself. I think when the money was brought there
I only opened two of the bags that day the rest
I opened I refer to the accounts, I opened thousand
of bags every day and I cannot recollect what
days I opened them. I recollect I first opened two
and the rest I opened all at once but I cannot
recollect the day. They were opened on the day
the accounts were taken. I did not find a note
137 in any of the bags with the name of Surres Wattee
Chai on it. I have already been sworn and I have
said and do say that there was not any
note with the name of Surres Wattee Chai. I did
not see any outside. There was not any I knew
Narrotas Cutia very well.

Saturday the 30th. September 1826.

Present,

The Honble the Chief Justice

Mr.

Mr. Justice Chambers -

Gopall Rowjee Shenvick called

The Translations of the papers are now produced, examined by the Chief Justice

The papers produced yesterday were written by
138 Ballaye Punt in the presence of Captain Robertson and I dictated them. Ballaye Punt was a Karkoon under Captain Robertson and I was also a Karkoon. Captain Robertson gave orders to write them.

Mr. Morley moves that the papers be read.

No. 5 read.

Major James William Graham the Chief Interpreter and Translator to the Court examined by Mr. Advocate General -

There is no Mahratta word in this paper signifying "belonging to" or "of" or any preposition but merely the words "Narroba Awty" therefore the words "belonging to" are put in a paren-
139 thesis as understood. The literal translation would be "as it is in the translation with the exception

of the Parenthesis.
Reexamined by Mr. Morley.

I have not seen many Mahratta accounts. I should certainly take the meaning of the sentence to be as I have put it down in the translation with the Parentheses.

By Mr. Advocate General through the Court.

2. Might it not be as well translated "Taken from Narroba Outia"?

A. It might mean "as coming from Narroba Outia"

Q. 2. Would that be as natural an interpretation of the words as the one you have put upon them.

A. I should think not, because in the first place the preposition and Article Viz:- "of the" are wanting in the original to the word "Vinchan"- Secondly a specific act of that kind Viz:- of bringing it from Narobas house, would be more defined.

(Signed) J. W. Graham

Nos. 6, 7, 8 read.
Gopall Rowjee Sherwuke recalled.
Nos. 5. 6 7 & 8 Shewn to Witness.

Nº

N.º 5 Shewn him. This paper was taken down
141 on one of the days on which the 28 bags were
weighed and sold it was taken on the last day
of the weighing and sale of the 28 bags.
N.º 6 Shewn him.

This was taken on the first day of the weigh-
ing and sale of the 28 bags.
N.º 7 Shewn him.

This was taken down on one of the days of
the sale of the Venetians, but I do not recollect
which; this appears to have been in the Middle.

I received the Money for which the gold Mo-
hurs and Venetians were sold from the Shroffs
who bought them and I got them examined. I was
142 servant in that business to receive the Money
to get them examined and to keep them. I was
called Jamdar Ranna Walla (or Treasurer)

Cross examined by Mr. Advocate General.

I do not know whether Narroba deposited
Money with Bankers. I never heard from Nar-
roba Outra that he did. I did not speak with
Narroba but once and I heard him speaking with
Captain

Captain Robertson. Before the time of speaking with
Captain Robertson I did not know where he got
143 his private Money or what he did with it The
rate of interest at Poonah four years before the
war was according to the Credit of the borrower
and the exigency of the Borrower and that was
8 Annas per Cent per Month. (that is 6 per
Cent. per annum) In those days it was not less
than 8 Annas upon the best security. The Ankasha
Rupee was 5 or 6 per Cent less than the Bombay ru-
pee. The Gold Mohurs and Venetians were sold
for Chandore Rupees The Chandore and Ankashee
Rupee are the same. There were other Monies in
144 the Chest in which the gold Mohurs and Venet-
ians were in my Charge. I recollect very well the
time when the 5 bags of Venetians were brought
to the puna Warra Narroba came there in a
quarter of a Native hour (or 5 or 6 Minutes) af-
ter me but the bags had been brought before.
I do not know whether he was sent for he came
of his own accord as I thought, I do not recol-
lect whether he was released or not at that
time.

time. there was no Sentry with him where he
145 was standing I did not see any sentry always
before this time I saw him upstairs and the
sentry was at some distance. I had been resi-
-dent at Poonah two years previous to the war
and up to the time of the Money being taken
to the puna warra.

2. Does he remember that there were proclamations
about the Streets of Poonah for several weeks
before the Money was brought from Nurroba's house
against the Concealment of Bajee Row's Money?

Mr Morley objects to the question.

Mr Parry follows on the same side

146 Mr Advocate General Mr Irwin & Mr
Mill. answer the Objection.

The Objection allowed by the Court

2. by Mr Advocate General

Did he see any proclamations about the
streets purporting to come from Government.

The Question disallowed.

I knew Atha Gonoopee he was in the
Governments Service. I knew Burrusurbhoy he was

a

a Sheriff of the town and he used to come to the puna Wara They are both dead. The Rupees the price of the Gold Mohurs and Ver-
147 -nehans were paid to the Civil and Military Paymasters of the East India Company.

The above Contents were duly interpre-
-ted to the Depo-
-nent by the Sworn
Interpreter
(Signed) Aradaseer Byramjee

(Signed) Gopall Rowjee Sheruck

Monday the 2nd October 1826.

Present

The Honble the Chief Justice
Mr. Justice Chambers.

Gopall Rowjee Sheruck recalled and examined by Mr. Morley.

At the time the 28 bags were brought from Narroba Outias and put in the Chest

Captain

Captain Robertson was in the Company's (Sircar) Service at the time the 5 bags were brought he was in the same service -

(Signed)
Gopaul Roujee Thorwick

148

The above Contents
were duly interpreted
to the Deponent by the
Sworn Interpreter
(Signed) Ardaseer Byramjee

Monday the 2nd October 1826

Present

The Honble the Chief Justice
" " Mr. Justice Chambers

Sittings Opened -

Narroo Pant Josey sworn Examined by Mr. Parry - I was in the service of one of the treasurers of the Peshwa called Vencoba Tatter - Steve

on

on the produce of my land Sattawade it. I knew Narroba Oubia - I knew his Clerk called Mondoo Bullott.

49 Q. Does he knew of Mondoo Bullott is having been in prison?

Mr. Advocate General objects to the Question.

Objection Overruled.

A I know he was. he was imprisoned in the juna Warra at Poona - it was about 7 or 8 years ago - I have seen him in prison. I was in prison too and he was near me He had irons on him Narroba was in the juna warra at that time. He was imprisoned

(Signed) [illegible]

Narroo Punt Josey

The above Questions were duly interpreted to the Deponent by the sworn Interpreter -

(Signed) Ardaseer Byramjee -

Tuesday

150 Tuesday the 10th October 1826

Court opened pursuant to adjournment.

Present

The Honble the Chief Justice.
" " Mr. Justice Chambers.

Francis Houston sworn Examined by Mr. Irwin - I remember the Month of July 1818. I was in Command of the Poona Sebundy Corps. I had been in Command of that Corps for 4 Months previous - I had been a warrant Officer in the Company's service. There were from 800 to 1000 men under my Command. The Sebundies were armed with Matchlocks - they did not wear any uniform then. they were newly
157 embodied. I and my Corps were under the orders and disposal of the Collector at Poona Captain Henry Dundas Robertson. when we were not employed on any particular service we were stationed in Poona. They lived where they pleased there were no Barracks. The Corps was raised and embodied by order of the Commissioner

Commissioner Mr. Elphinstone. Shad been at
Poona from the February preceding. Shad come
from Singhur. Swas acting at Singhur as Pro-
vost Marshall to the Poona Subsidiary force. In
the time of the Peshwa Shad not known any
152 force of this description Shad been at Singhur
about 12 or 13 days previous to my going to
Poona. Shad been employed while in the Se-
bundies merely to inspect the several guards
which were furnished by the Corps. They were
gaol guards - treasure guards - and the guard at
the Poona ferry on the Poona river. The ferry
is on the main road from Bombay to Poona.
It is at the Sungum - The Corps was em-
ployed at a distance from Poona to the best
of my recollection Inever accompanied them.
153 Shave ordered the Corps on service of that kind,
Shave seen them march - Igave my orders
to the Subedar by word of Mouth and they
went away - Iremember being ordered by
Captain Robertson in the Month of July
1818 to go to the house of Narroba Dubia

and

and I went there. I was accompanied by a Milit-
ary guard consisting of disciplined native troops.
I do not remember the Corps to which they be-
longed. There were from 10 to 15. When first I got
to Narroba's house I went upstairs and en-
quired where the money was deposited one of
154 Narroba Cutea's Karkoons pointed out the room.
There was a lock upon it which I caused to be
opened. The door led from the ground floor to
the upper story. The door I caused to be broken o-
pen was on the second story. That door o-
pened into a Saloon. It opened towards me.
By the second floor I mean the floor above
the ground floor. The door that I caused to
be broken open was secured by a padlock on it.
155 There was a hasp and staple. There was no
other fastening on the door besides the padlock.
There was one other door in the same room
besides that. It was the door by which I ent-
ered the room. I do not recollect any difference
between the two doors. I do not recollect any
difference in the way in which they were
secured.

secured. It was between 2 and 3 in the afternoon
when I went there - when the door was opened
the room that presented itself was under a
stair case. To ascend the stair case I should
156 have been obliged to turn to the left. The stair
case was between two walls. The stair case
did not occupy the whole of the room. I do not
mean in the saloon but a room under the
stair case. I cannot say to what use the
natives appropriated the room. It appeared to
me to be a mere passage for the stairs with
a small space beneath the stairs. Just as I got
into the room I could see the whole length
157 of the room. it was very narrow. I do not
recollect whether I was the first person who
entered the room. I think I did enter it as
soon as the door was opened. on going in
I saw some empty bags scattered about the
room. They were long bags - about two feet
long - They were lying loosely. They were
the first thing I saw and treasure. The treasure
was in bags - I did not see this treasure just

as

as I got into the room I saw the empty bags
first and then ordered the treasure to be removed.
158 The treasure was lying in the inner part of
the room. This part of the room where the
treasure was lying was under the stairs. I did
not see the treasure when I first entered the
room. I was prevented from seeing it by some
empty bags which were over it. some natives
with me removed those bags. the full bags.
The empty bags were thrown to one side be-
fore I saw the treasure I can remember the
159 names of some of the persons who were with
me when I went into the room Meyapuitty
was one. he was a head person. Iyajee was ano-
ther, he was also a head Person. I do not
remember the name of any one else I remem-
ber Mr. Lumsden coming there before I left
the room. I believe the door was opened by
a Smith. The bags were carried away im-
mediately after they were discovered. To the
best of my recollection I remember Meya-
puitty shewing me some of the Money

That

that was in one of them. There were altogether
28 full bags. To the best of my recollection
160 I think one or two of the bags were open. I
don't know whether the mouths were open or
part of the sewing undone. I don't remember
whether I went up the stairs at that time.
To the best of my recollection I did not see a-
ny of the party go up stairs. I believe on the
second or third day I went into other parts
of the house. There were no windows in
the room where the bags were found. From
161 the bottom of the stairs I could see the door
at the top which was closed. When I enter-
ed the room the light was admitted from
the door. I have seen Nareta Outia at va-
rious times. I remember his being confined in
the guna waraa. He was there for some
time according to the best of my recollec-
tion I believe for some months. I have
seen him in the place where he was de-
tained. He was confined on the third story.
Counting the ground floor as one There was

a

162 a very long room facing the one that he was in it led to a Terrace- There was a long room and several small rooms next to the long room- I cannot say whether he had one of those rooms or more- I don't know how many of the small rooms he had I have spoken of a long room and a terrace in front- I believe Narroba had access to the long room from having seen him there- I can't say whether he had access to the Terrace or not.

163 There were guards in the long room. There were no means of getting away from the Terrace except thro' the long room To the best of my recollection I saw one or two sepoys in the long room I cannot say as to the number of times but I saw him several times in three apartments as I was in the habit of going to the Terrace to take a View of the Cantonments. The Terrace afforded a prospect of the Cantonments from the top- I remember going to the house of

164 Narroba Outia after the taking of the

Money.

money. I went to look for some papers. Meyapatty went with me on the second occasion. very probably it was a day or two or three days after the first visit. There were some of my own Sebundies with me. I do not recollect any European being with me. I went to the second story to look for the papers. that is the first floor above the ground floor. Meyapatty found some papers in a guilt which he delivered to me. They were
165 on Nacroba Outra's swinging bed in the saloon. I did not see him take them out of the guilt. I do not recollect how many papers there were. To the best of my recollection they were folded up and about 10 inches long 3 and a quarter thick and about four inches broad I saw some other papers while I was there. Below stairs on the ground floor a room was pointed out to me It was a small room in size. To the best
166 of my recollection I saw some papers on the shelves in that room. I remember nothing

particular

particular about this room. I observed a good
Many bundles of papers on shelves about this
room. Nothing was done with those bundles of
papers in my seeing. Sonby brought away those
papers that Meyapulty gave me. To the best of
my recollection none of my people took away
any other papers. The papers that Meyapulty
gave me I handed over to Captain Robertson. I
167 had them in my own possession until I de-
livered them to Captain Robertson. I dont re-
collect whether I ever went to this house after-
wards I dont recollect going there with Captain
Robertson at any time.

Cross examined by Mr. Morley.

I have not been at any outstations from Bom.
bay besides Poona and Sercor. I was never
on Salsette. since 1818 I have never been in
the Concan or Salsette. I have always been at
Poona and I am still in an office there I am
in Captain Robertsons Office. In August 1820
168 I was appointed to his office as accountant and
have continued so till the present time. From

February

February 1818 to august 1820 I had the Com-
-mand of the Sebundies. I am accountant to the
Collector. From August 1820 to the present time
Captain Robertson has had a Corps of Sebun-
-dies under him as Collector. Sometime in 1818
before July I recollect Sir Thomas Hislop and
his staff coming to Poona. I cannot recollect
how long it was before I visited Narroba's
house, whether it was before or after the
169 time I cannot recollect. I do not recollect whe-
-ther Sir Thomas Hislop was in Poona at
the time I went to Narroba's house. I never
saw Sir Thomas Hislop. I don't recollect see-
-ing his army there. If an army of twen-
-ty thousand men had been there I should
have known it. when I was appointed Com-
-mander of the Sebundies Captain Robertson
was the Collector and Magistrate. I believe
he holds the same situation now. I believe
he acted as a Judge. We sat in the Court
170 of Adawlut at Poona I have seen him there.
We had both the Civil and Criminal under
him.

him if there was a civil suit it was done thro' the Register of the Court. I cannot say in what way the Scbundies have been employed since I left them. The Scbundies were employed in the same way from the time I first knew them till I left them. Captain Robertson told me to go to Narroba's house to bring the money. I dont know who reported to Captain Robertson about the money. I did not see Narroba
171 brought to Captain Robertson at the juna warra neither did I hear of his being brought. I do not recollect whether Narroba was in prison before I went to his warra. I did not see him in prison nor did Captain Robertson tell me he was in prison before I went to his house. It was several days after I brought the money away that I saw Narroba in prison at the juna warra - it might have been
172 a fortnight after. I was in the habit of going to the Terrace to look at the Camp sometimes once or twice a week and sometimes not at all. I cannot speak to the size of the

rooms

rooms that opened into the long room- They
were small rooms I have been in one but
I cannot speak to the dimensions- There were
no prisoners in the other rooms that opened
into the long room to the best of my re-
-collection- I saw one or two bags open but
I did not see them opened- I believe it was
173 Mr Papuffy shewed them to me to the best
of my recollection- They were not shewn to
me until the door was opened- I can't posi-
tively say whether they were in the room
or in the saloon To the best of my recollec-
tion I did not order those two bags to be o-
-pened- I was the principal person employed in
that business. As I was ordered by the Collector
and as the door was opened by my orders
to the best of my recollection I don't suppose
174 that the door was opened or the bags were
opened before I came there. I believe there was
another stair case to the third story besides
the one under which the treasure was- I
have seen many of the houses of the natives-

J.

I occupy one myself- I believe that out of Store Case and room are very common in the houses of Natives- As soon as I opened the door I saw the bags before me- There might have been a room
175 on the other side of the room where the Money was found- The Moment the door was broken open I could go to the place where the money was without going thro' any other door- I did not count the empty bags- there were about 3 or 4 dozen to the best of my recollection They were scattered about the room To the best of my recollection I never saw any of Narroba's Karkoons brought up as Prisoners before Capt. Sam Robertson The papers that were on Shelves
176 in the room below were not taken away by me- I do not know whether Captain Robertson ever had them in his possession-

Re-examined by Mr. Irwin.

On the occasions on which I visited the terrace to the best of my recollection the small rooms that opened into the long room were open I do not know whether Narroba occupied one or

more

more of those small rooms - when I said the
staircase and room were common in the houses
of Natives I mean that similar rooms to those
177 are to be found in Native houses I have seen
such rooms myself I mean on a similar plan
the stair case leading out of a room below
it - In those houses I have seen with similar
rooms I have not seen Money lying with imp.
by bags over it - I have never seen Money
or Valuables kept in a place of this discrip.
tion in other houses - I have said that when
I opened the door I immediately saw the bags
I meant the empty bags.

By the Court -

178 The lock was broken by my Orders and I was
present at the time To the best of my recollection
the Orders were I was to go to the house and
bring away some Money - Captain Robertson gave
me orders if I did not find the Money to break
open the door It was thro' my direction and
my order that the lock was removed - The bags
were not opened in my presence or by my
Order.

179 Order. In going to the terrace I only passed thro'
a part of the long room. I saw no other persons
walking there besides Narroba except the sen-
tries. I saw no other prisoners there. to the best
of my recollection I never saw Prisoners placed
where Narroba was placed. The word Sebundies
I believe means Militia - I acted as Commissioner
of Sebundies 3 years. there are Sebundies there
now. I always acted under the Collector. In
one sense I did consider myself as a Soldier
as Commander of the sebundies. They were armed
with Matchlocks and swords when I broke
180 open the door the stair case was between two
walls one wall was the wall of the saloon
The Partition between this room and the
saloon is the only wall. The other wall was
whitewashed but I did not examine it - it did
not enter the stair case the bone of the wall
rises with the stair case - to the best of
my recollection it was a Chunams wall.
There was no inner Door to this room You
go to the left to get to the stair case 5

or

181 or 6 feet. I can't say whether there was a window at the bottom of the stair case or not I could see the door at the top. I have been in several native houses. 10. or 12. it is the general way to have such stair cases. I never saw a native house in which the stair cases were not built in the same manner. I went to the terrace frequently. I did not go on purpose to see if Nanoba was there. I believe
182 I observed some papers the first day. There was a swinging Cot the first day with a bed and a Mahrafs and covered over with a white sheet. Nanoba was not in irons when I saw him. once or twice I saw him walking about. I never spoke to him. I can speak a little Mahratta. There was a City police besides the Sebundy Police. The Sentries in the long room were Military Sepoys. The City Police was under Captain Robertson. They were raised after the Peishwa by the British Government.

(Signed) J. Houston

Saturday

Saturday the 21st. October 1826

Court opened pursuant to adjournment

Present

The Honble the Chief Justice

" " Mr. Justice Chambers.

Mullar Jairam sworn. Examined by Mr. Irwin

I was in Poona in 1818. My employment was Keeper of the Gaol of the City both for Criminals and debtors. Narroba Dubia was in my custody. He was confined in the Juna Warra. First he was kept below stairs and afterwards he was kept in a bungalow upstairs. He was one day be-
low stairs. He had 3 or 4 rooms. He was treated
183 according to his respectability. He was treated well.
His people used to come to him while he was
in Custody. Every day. They came to visit him
and see him and the people of his house brought
him his food. He was in my charge all the
time he was in Confinement. at the time Nar-
soba was Confined I lived in my own house
but I used to come to the Juna Warra con-
tinually

Annually. I used to come there every day at 7
o'Clock in the Morning and at 12 o'Clock at
184 noon I used to go to my house to take my
food- after that I came again to the Juna
Warra- and at 6 o'Clock in the Evening I went
home. The people who came to see Narroba
asked my permission before they went to him.
I never refused any one because I got the or-
der of my Master to permit every person to
go to Narroba. Narroba was in My cus-
tody about 4 or a week less than 4, or a
week less than 5 months. Captain Robertson
185 used to see Narroba in prison. He used to
come there every 2nd or third day. I was pre-
sent several times when Captain Robertson
and Narroba were together- They were
in the room in the Bungalow where Nar-
roba was kept. it was a large room. There
was a terrace and another room. The room
where Narroba and Captain Robertson talked
was 70 or 80 feet long- the room in which
Narroba lived was on the terrace- The room

and

and terrace were distinct but near each other.
The terrace was in the middle and a room
186 on each side of it. I may have heard what
passed between Captain Robertson and Narro.
ba but I do not recollect it now. sometimes
they were together 12 Minutes and sometimes
24 Minutes - Narroba was setting down and
Captain Robertson was standing Narroba was
setting on his Cot Narroba was a great
man and therefore he was Kept in a good
place - There was no one else confined in
the same place with Narroba - Narroba's
servants were always with him - He was ne.
ver alone by himself. I saw Narroba af.
187 ter he was released from his confinement.
He used to come constantly to the sahib
Captain Robertson - when I went in the Mor.
ning to report to Captain Robertson I saw
Narroba there, and he was petitioning. Nar.
roba was saying 'you have made arrangements
for all other great men and you have
not made arrangement for my Expence - He
mentioned

Mentioned nothing else He said nothing else -
first he said "my Money you have taken -
(the witness then corrected himself and said)
The Sircars Money you have taken from
my hand and you have not made any
188 arrangement for my Expence" - He said nothing
more. Captain Robertson said "I want to take
some more money from your hand of the
sircar I cannot make any arrangement for
your Expence therefore go to the Burrah Sahib
Burrah Sahib means Mr. Elphinstone - I
mean to say that these are exactly the words.

Cross examined by Mr. Morley.

at this time I had 15 rupees a Month from
Captain Robertson. Sam the jailor now Capt.
Sain Robertson appointed me. For these two
189 years or two years and a half I have lived
in the Gaol. My present pay is 50 rupees a
month. I have had the pay of 50 rupees for
about 6 years. I live in the New Gaol and
not in the yuna warra. When Narroba
was in gaol there were a few prisoners

25 or 40 I made a daily report of the prisoners to Captain Robertson a Peon delivered Narroba into my Charge a Peon of Captain Robertson's There were several prisons I don't know whether it was Tyajee or not when
190 Tyajee brought him we kept him near the Gate Where I kept Narroba there were no prisoners but there were at a little distance several prisoners There were 4 or 5 rooms and in one of the rooms I kept Narroba The 4 or 5 rooms led into a large Covered place The other prisoners were placed near the covered place and had liberty to walk there I don't recollect who the other prisoners were There were Brahmins and Mahrattas some Ramoosee people
191 but they were at a little distance in the 4 or 5 rooms there were only Brahmins and Mahrattas I don't recollect the names of all of them I don't recollect the name of any one it is 8 years since and I don't recollect some of them had been there a Month or two Months before Narroba was put there some of the Peishwa's karkoons were in those rooms I don't recollect any person in prison named Tuccaram Athia I don't know if there was

any

any one of the name of Dondoo Bullet in prison- Tuc
caram Attia might have been there in Confinement
192 but Idont recollect- Idont know Dondoo Bullets name
but he might have been there. There were Narroba's
Harkoons in Confinement but Idont recollect how many
Narroba's Harkoons were not under me There were no
Prisoners within the gate but what were under me
but there were Kutcherry and sentries and a guard
all in the Juna Warra besides the gaol- Had no
charge of any prisoners in the Juna Warra but those
193 in the Gaol. The Gaol was the part where the
25 people were placed. Had no charge of any other
prisoners except those who were in the Gaol- I am
quite positive that Narroba was there only one day
and not a night Narroba requested me to take
him to a better place- I reported this to Captain Robert
son and he said "give him a good place," when
he went to the place there was a Sentry over him
and Sebundies. In Gaol there are always those people-
The Sentries were red Coats. There are soldiers and
194 Sebundies now in the gaol- Idid not know Ballo
the Barber. Idont recollect a barber coming to Narroba

whom

The witness after words thinks that he allowed to know did imprison Narrobas Barber

whom I imprisoned never did Narrobas Barber for 2 Months I will swear that I never imprisoned a Barber who visited Narroba: A Barber came to shave Narroba and his people came there and there was no hindrance to any one going there People were permitted to talk to Narroba without any one ever hearing them I dont recollect the names of any of Narrobas Karkoons who came to visit him in Gaol I dont recollect the name of the Karkoon Mentioned but one of his Karkoons came to me to receive 5 Rupees a day- I dont recollect a Karkoon of Narrobas of the name of Bapper Gopellen- It is 8 years ago I do not recollect the name of any person that used to visit Narroba- I did not ask the name of the persons who came to visit him- Narrobas wife was never in the gaol to visit him- no child was ever brought there to him The 5 rupees a day was the allowance from Captain Robertson for Narrobas subsestence it came from the Sircars Jamdar Ranna that was his daily allowance it was the only allowance he received he received nothing more for his servants or attendants I do not recollect whether I ever saw Mr. Houston in the rooms near the Terrace

195

196

The

The long room was in charge of the Kutcherry. At that time there were no debtor or Criminal prisoners from
197 the Kutcherry. That long room was not in the charge of any particular department. There was no appointed person in charge of it.

(Signed) Mullar Jairam

The above Con.
Sents were duly
interpreted to the
Deponent by the
Sworn Interpre.
ter.

(Signed) Ardaseer Byramjee

Adjourned till Monday Morning at ten o'Clock.

Monday

Monday the 23rd October 1826

Court opened pursuant to adjournment

Present

The Hon'ble the Chief Justice
Mr. Justice Chambers.

Muttar Jairam recalled and his cross examination continued

198 Some persons might be brought in irons at that time but they were not in my charge. There were Several prisoners in irons at that time. Some of those persons were in my charge Some of the prisoners in my charge were with irons and Some without. The gaol below stairs was in my charge. The gaol below stairs was not the only one in my charge as Narroba was confined upstairs and he was in my charge. The prisoners who were in the Gate over whom there was a Sentry were all in my charge. The Prisoners over whom the Peons were were not in my charge.

199 By Peons I mean the Collectors Peons. The whole time whilst Narroba was in gaol Captain Robertson used to come every two or three days. I have seen Narroba whilst he was in gaol come down to Captain Robertson

whom

when Captain Robertson sent for him to make inquiry of
him I dont recollect how often Narroba went to him - I
never heard what either one or the other said during
those enquiries I never heard them talking together in
200 Captain Robertson's room They were talking in Nar-
roba's room but I did not hear what they said -
There was only one Cot in the room where Narroba
was confined for himself to sleep in - There were no
Chairs or benches but only his bedding - There was a
woollen Carpet on the floor - There was a Tuscar's
Bramin Cook there - that Cook did not dress Nar-
robas food - Narrobas food was brought from his
own house - I dont recollect the name of a Single
person who was allowed to remain in the gaol
201 and act as a Servant to Narroba A Servant used
to Stay the whole night with Narroba - one or two
but I dont recollect precisely Narroba's Kashroon used
to come to me and I used to pay the five Rupees
into his hand - His name may be in a book but
I do not recollect it - what money I paid I took
his receipt for - First of all a Kashroon of the Jam-
der Kanna took it directly to him and afterwards

I

202 I began to pay- I remember Gopall Rowjee Sheruck who was Rasheem of the Treasury - Rowjee Sheruck used to Sit in the puna waisa Jamdar Kanna - Rowjee Sherucks office was on one floor and Nanoba was confined in the room above it when Nanoba was first brought he was put into a pagga below stairs It was at some distance from Rowjee Sherucks room Rowjee Sherucks room was also on the Ground floor The Conversations I have Spoken to I heard for half a nature hour when Captain Robertson used to come upstairs I heard them Speaking
203 but I did not hear what they said I saw they were continually talking together I never saw them talking together in any other place than the long room He was released 3 Months or 3 Months and a quarter after he was put in prison I do not recollect how long it was after the last conversation that Nanoba was released I do not recollect any conversation that Nanoba had with Captain Robertson at any time but I recollect at the time of his being released Nanoba said some thing - I
204 mean 2 or 3 days after he was released There

were

were Several Sepoys present on that Occasion besides myself
There were no Kashoons nor Mr Houston it was
outside the Juna Warra near the Gate it was at
Eight O'Clock in the morning - I do not recollect whether
any other person than Captain Robertson & myself
heard the Conversation. when I went to make my re-
port to Captain Robertson he was speaking - when
I went to report I heard Narroba say to Captain
Robertson "make some arrangement for my Expence"
205 and added "you have made arrangement for some
other great persons and not for me, Whatever Money
I had belonging to the Sircar you have taken - I
have not any more" Narroba said So much Capt.
tain Robertson answered "I want to take some more
money from you which belongs to the Sircar" Capt.
tain Robertson said "I have nothing to do with
you, Go to the Burra Sahib for the arrangement of
your Expence" when my Months pay is due I go
to receive it from the Jamdar Kanna - I sign my
206 name as usual in the Sircars abstract I receive
my pay from the Jamdar Kanna which is un-
der Captain Robertson. without the Sircars orders

Captain

Captain Robertson could not turn me out of my Situation
By the Terms I mean the Company. I did not impri-
son on any one on account of his Shaving There were
Several Barbers coming as robber or thief and I did
put them in Gaol I don't recollect how many The
name of Ballor I do not recollect- but some may have
207 been in gaol- I did not impreson a person by order
of Captain Robertson because he had been speaking
to Narroba- I did not impresson any body by order
of Captain Robertson because he came to see Narroba
except the persons who were taken as thieves I mean
persons who actually committed robberies and were
brought there as thieves I kept them

Ballor Fayem brought up and Shewn to the
witness

I do not know him- while Narroba was in gaol
this man never was imprisoned. it is 8 years Since
208 I don't recollect- The man may have been in gaol I
knew Alha Gooraye who was in Captain Robertson's
Service- He was Duffardar or Registrar when Nar-
roba was in gaol he had no other Situation under
Captain Robertson I came here as a witness at the

request

request of Captain Robertson He first asked me at Poona about 2 Months ago He said "You should go to Bom. bay to give Evidence" he did not ask me about the circumstances I never told the circumstance of Nanoba being
209 first confined below Stairs for a day only and after his being released his talking to Captain Robertson. I never told this to any one till I was here the day before yesterday. I have been in Bombay about 6 weeks to be a witness. I know Abba Gocla. I did not come from Poona with him I came before him. I have had no Conversation with him about this Suit since I came to Bombay. I have had no conversation with any one about this Business since
210 I came to Bombay what Business had I to speak to any one.

Re-examined by Mr Irwin I did receive 15 rupees a Month for 3 years. My pay was then raised to 30 - I received that for about 2 years it was then raised to 50 which I get now. I know what is meant by the Story of a house. There were two floors below the room where Nanoba was confined there was no other prisoner confined on the floor

or which Narroba was. Narroba had 3 or 4 rooms on
that floor and a terrace to walk about- whatever rooms
211 were on that floor and the terrace were all in Nar-
roba's occupation- Narroba was a great man and
therefore I recollect his name There was no other per-
son of equal rank with Narroba in person at that
time when a person was brought to me to be confi-
ned in that prison the usual mode was for a Je-
fejy to deliver him to me. The Jefejy usually brings
Order Tahiti says keep the man in such a place.
Captain Robertson's name was mentioned lately it
212 is usual to bring a writing but not formerly. There
were persons under my charge committed by other Ja-
kubs than Captain Robertson- I do not recollect the
names of any of them at that time no writing was brought
with the Prisoners I do not recollect what Sort of people
whether men women or children were coming there but
there was a free Order from Captain Robertson for
resetting him. A Coombe woman belonging to his house
used to come there I dont know whether She was
213 his wife or not Narroba was not a Coombe it was
a Coombe woman who was kept by Narroba who used

to come- Coombies are Maratha Cultivators- it is a caste of Marathas. There were 2 or 4 coombee women from Narrobas house who came. They came many times both in the morning and at noon- I am a Maratha Bramen a Bramen is allowed to have as many wives as he likes- Besides their Married Wives they keep coombee women. I never knew the names of any of Narrobas Servants who came to see him in Gaol- The Kutcheary
214 was immediately below the room where Narroba was. it Consisted of Several rooms and a hall and it was a large place- Below the Kutcheery was the Jamdar Kanna and Office and Sepoys were staying there- Rowjee Shevuck stood in the Jamdar Kanna, I do not know Mr. Morgan, (Mr. Morgan Attorney for Defts is pointed out) I have never seen or spoken to Mr. Morgan, I did go to an office but I do not know Mr.
215 Morgan- I know his Purvee or Clerk- I saw this Parsee in Mr. Morgans Office (pointing him out) I do not know his name, There is another Purvee I know who was at Poona- He was a Purvee in our office at Poona- I saw him the last time at Poona about 7 years ago, I have seen him in Bombay in the Office- I do not recollect

his

his name - I know him by person. I did give in writing
the substance of the Evidence I have given. I gave it at Poo-
216 -na to Captain Robertson about 2 Months and a half
ago, Captn. Robertson and Captn. Topp asked me if I knew
any thing about Narroba Pudia's business more than
2 months ago, it was in consequence of what passed be-
tween Captn. Robertson and me that I put it down in
writing - The persons in prison who had irons on them
were confined some for robberies, some coming from
the Peishwa's army and some for heavy or seditious
practices - Before Narroba was confined there had been
217 prisoners in irons but not at that time - I dont re-
collect whether there were any brought and put in irons
while Narroba was there, but there may have been - I dont
recollect whether there were any persons brought there
before Narroba was brought to prison and put in irons, Fre-
quently used to put irons but I dont recollect on whom,
they were put before Narroba was brought there. It may
have been the case that irons were put on both before and
218 after Narroba was in prison but I have no recollection whe-
ther it was before or after. The persons with irons on
were sent out to labour. They came back at night.

By

By the Court.

Two Years and a half ago the new gaol was built. Narroba's Cot was in the Bungalow on the Terrace. It was there the whole time he was imprisoned. The Cot was in the Bungalow & the terrace was near it. The Cot was in a small room, that small room opened from the large room, there were many small rooms on each side of the long room, Two or four
219 on each side. When Capt.n Robertson came to speak to Narroba was on the Cot sometimes on the Cot and sometimes on a Cushion on the floor. The Cushion was in the small room where the Cot was. Whenever Captain Robertson came to speak to Narroba he was always on the Cot or the Cushion. I heard them talking but what they said. I did not hear. I was standing at a distance, and could not
220 hear. Capt.n Robertson came to the door of Narroba's room where the Cot was and they never came into the hall. Captain Robertson always stood near the door of the small room where the Cot was. I stood on the terrace and never went near the door. Narroba's Servants brought his dinner into other rooms. Captain Robertson always saw him in the small room because Narroba liked to set there and because Captain Robertson used to

come

come in the morning and in the Evening; Captain Robertson
was present always found Nanoba in the small room
221 and not upon the Terrace or in the hall. There were no
European Soldiers but Sebundies and Sepoys of the line
in the hall. The Soldiers were not under the Civil autho-
rity but at that time the Civil authority and the other
authority were not distinctly separated. Jean wrote.
There were books kept in which the times were entered
when prisoners were brought to gaol and when they were
released. and the names of the Prisoners, I wrote it all
the name of the Prisoner. the time when he was
222 brought and when he was released and the provision
which he received. Captain Robertson desired me to
bring those Accounts or books here I have brought them.
they may be with the Sepoys I have looked at the book
for the purpose of seeing the time for which Nanoba
was imprisoned. I said he was imprisoned 3 Months and
3 Weeks not 3 Months and one Week. If I look in
that book I can tell whether Baller was imprisoned
by me. Except what I gave to Captain Robertson in
223 writing I never Mentioned nor wrote to any one. I
spoke about it to Captain Robertson. I did not speak

particularly

particularly but Captain Robertson asked me what was the
date and I brought the date of putting Narroba in Confine-
ment This was at the same time that I took him the
Account in writing I did not speak to Mr Morgans Clerk
except asking him when I should be examined I did not men-
tion in the Writing I gave to Captain Robertson that the
Conversation I have Mentioned took place while Narroba
224 was in prison I have had no Conversation with any one
since Saturday last on this Business. The Coombe women
who came to the gaol were not Narrobas wives but
one of them was kept by him as a Concubine. a great
Mans Wife would not come to her husband in gaol. at
first the orders which were sent by Captain Robertson were
not put down in a book but the orders were sent by
Peons lately orders come in writing. the orders are not
entered in the book but only the prisoners names. The
223 Orders that come lately are kept by us. when the new
gaol was built from that time we have orders in writing
I used to write in a piece of paper when the prisoner
came, his name and his Expence and the date of his
release. I remember Major Pearon being there I do not
recollect whether he frequently came into the long room

J

I do not know whether he had the Command of the Guard at that time a Sepoy came and gave Verbal order to Release Narroba and I went immediately and reported it
226 to Captain Robertson. I cant tell positively whether any particular servant attended on Narroba but they used to come every day. His people used to clean the room. He was there so many hours every day during the time Narroba was in person I cannot recollect the name of any one of the Servants or Attendants of Narroba. it is 8 years ago and what have I to do with their names. It was Captain Robertsons order that every body might go freely to see Narroba but whatever persons came to see
227 him came first to me to ask to see Narroba and in my absence they went to the Jemadar of the Gate I told the Jemadar so Captain Robertsons order was so "if any person of Narroba's house should come let him come" and therefore whatever person said I am Narroba's Man" I let him go Whatever person came and said he was Narroba's Man I let him go without any further enquiry I gave the same orders to the Jemadar but told him to send a Sepoy with him to Narroba. a Sepoy
228 merely to shew the place Two or three Servants slept there

there constantly; constantly Captain Robertson used to go to
Narroba in the room where the Cot was during the 3
Months I constantly was in the Huteberry and he passed by
me when he was going some times Captain Robertson called
me to go with him. His Custom was whenever he went
to a prisoner to take me with him but he never talked
with me. I cant say positively that he went there 40 times
229 I used to go always myself and I may have gone ten
times in a Month with Captain Robertson. He usually
staid about a Native hour a half a native hour as
long as Captain Robertson stopped I stopt there. I was on
the terrace and Captain Robertson was standing near Nar-
roba's door and he was inside the small room. There were
3 or 4 rooms. I knew Narroba was in the room because
I always went there and sometimes I saw him in his
sleeping room and sometimes in his dining room. When
230 Narroba was called to be examined in the hall I saw him
in the hall with Captain Robertson where he used to
sit. I saw Narroba walking to take the air in the
large hall I never saw him talking with Captain
Robertson in the Great room. I saw Narroba walking
in the great hall but as soon as he saw Captain

Robertson

Robertson he went to his own room. he breakfasted about
ten or Eleven o'Clock Captain Robertson did not always
go at the same time about 8 or 9 o Clock in the Morning
231 and about 4 or 5 in the Evening he used to go. no other
English Gentleman went with Captain Robertson. Mr.
Houston never went Captain Robertson never took pen
and ink. He never said to me "Go and walk on the
terrace and leave us alone" I might have been present
at any Conversation with Nanrota. I have approached
within 12 or 14 feet of them during their Conversation
They did not whisper but some Words I heard but what
they said I could not hear. I never heard "Samdar Kanna"
232 or "Sircar". I may have heard words like Sircar or others.
Captain Robertson always stood near the door. he never
entered the room. I will swear I never was nearer than
14 feet Sahib was speaking and therefore I stood at such
a distance I just remained at such a distance as not to
hear what Captain Robertson said as it would have been
offensive. The room where his Cot was was about 40 feet
square. It was in the jima Warra the Sircars Warra
where there were many large rooms. Nanrota was a-
233 bout one Cubits distance inside from the door and

I always saw him sitting - Narroba was always walking and he came on his feet 4 or 8 days after his release it might have been 8 or 10 days but not 15 - The gate of the Juna Warra was always open as a public Entrance. I did not see Narroba the first time he came in but when he came in I saw him near the gate where all the prisoners were kept. Captain Robertson came out to take the air and Narroba met him near
234 the gate and it was 8 o'Clock in the Morning - Capt. Jam Robertson was on horse back - There might have been some Sepoys near the gate - there might be some people in the Street coming and going - at that time I had been to Captain Robertson to make my report and for this reason I was standing near him - I was standing about a yard and a half from him - at that time Narroba was not in Confinement and what fear was there - when he was in Gaol I did not like to go near
235 I purposely stood at a distance there was no other reason - the 5 rupees a day were for his Expence for his food - I know it was expended for his food I know it was only for the expence of his food - I gave the Money to his Harkoon and the Harkoon took the money and

the

the food was brought from Narroba's house - it was Narroba's
Kaskoon but I do not know his name - I may have his name
on the receipt - as Captain Robertson was talking with Narroba
236 I did not go near the door the long room was 70 or 80 feet
the hall was below the long room out of which the small room
in which Narroba was, opened, was about 70 or 80 feet long
and about 20 feet broad - I went a long way up this room
to stand near Narroba's door I was following Captain Robert-
son when he went near the door I went back and stood
at a distance when Captain Robertson began to speak I
followed Captain Robertson because I expected he would say
237 something to me but when I found he did not I went back
I did not go to the door I could not see Narroba but I could
see Captain Robertson but sometimes I could see he was sitting
on the Cot or the Cushion - His Cot was near the door, on the
side of it When he was sitting on the Cot I could see him
sometimes but when he was sitting on the other side I
could not see him - I always saw him when I first went
238 When he was sitting close to the Cot or the Cushion I
could see him - I have said sometimes he was sitting
on the Cot and sometimes on the Cushion - and that he
was always sitting on one or the other -

By

By Mr Erwin thro' the Court

I recollect that I always followed Captain Robertson but he may have gone sometimes alone it is 8 years ago and I don't recollect.

By the Court. Narroba was in a great rage and very violent at being confined I never heard him speak in a loud
239 tone to Captain Robertson while he was in gaol.

By Mr Morley thro' the Court.

I was a gaoler in the Juma Masra when first Narroba was confined the gaol was in my charge I was the head gaoler and the only one Two or three Months before Narroba was confined I was appointed gaoler - In the March preceding Gopall Comallee was not the gaoler but he was a Cooly and used to procure things for the Prisoners before the month of March the whole time Narroba was in gaol, the gaol was
240 in my charge and this Comallee may be as a Cooly there under me I don't recollect positively whether he was - and he used to supply the things to the Prisoners from the Sandar Ranna - He was a Cooly under me to provide things for the Prisoners but he had no prisoners under his charge nor were the prisoners under him before me - Narroba was never in prison under Gopall Comallee either before that or

afterwards -

afterwards. The place or Bungalow where Nanoba was, was never used as a prison afterwards.

(Signed) Mullar Jairam

The above Contents were duly interpreted to the Deponent by the Sworn Interpreter.

241 (Signed) Ardaseer Byramjee

Wednesday the 25th. October 1826.

Court opened pursuant to adjournment.

Present

The Honble the Chief Justice,

" " Mr. Justice Chambers.

Basher Ram Goda recalled and examined by Mr. Sweet.

Remembers Nanoba being in prison in the Juna Wara. He sent for me and I went there. Nanoba told me I owe about nine thousand Venetians to the Sircar about nine

nine thousand bolas- but Captain Robertson demands a large
sum of money from me." Narroba told me "Captain Robert-
son said I got large sum but please go tell Captain Robert-
242 son that I have not got large sum I got only this balance
in hand of Surat take this and release me- please to tell
him I owe no more balance to Surat- I got only this &
balance receive it and release me" There other persons ac-
companied me at this time Viz.t Runnysunkey Lutamon
Row and Wuttul Punt Mama -
The Evidence objected to by Mr. Morley and Mr. Parry
on the ground of duress- Mr. Advocate General Mr. Inverarity
and Mr. LeMesurier answer the objection-
Objection allowed-
I went to see Captain Robertson after hearing Narroba Evi-
243 dence returned to Narroba after seeing Captain Robertson- I had
conversation with Narroba-

Q. What was that conversation-
Question objected to by Mr. Morley-
Examined by Mr. Morley-

A. The Conversation was concerning the same subject on
which Narroba had spoken the first time -
Objection allowed-

Narroba

Narroba was released on the 15th day after my last Conversation
with him. The same Conversation which I have mentioned last
Twice I had conversation with Narroba after his release once
immediately after and a second time when he came down and
was delivered to the Security - The first Conversation after his
244 release took place upstairs in the upper room - There was
a large room a hall & round the hall there were rooms
but no particular name for them - Out of the room in the
hall the Conversation took place joining to that hall was
a room and in that hall the Conversation took place where
Narroba used to come - Narroba was confined in that room -
By released I do not mean that he was actually released
then but that he was very near to being released and the
Security was ready to be given - The Securities were brought
245 there - The Security was one - his name was Ammoba Rata.
Sur. I said Securities in the plural were brought, because we
were three persons there viz: myself, Narroba, and Ammoba
Rababa - at the time the first Conversation took place four
persons were present: myself Runnysurthoy at the time
the Security was given we were only three persons in the
Hall above stairs. I introduced Ammoba to Narroba on this
our Conversation was concerning the Security - we had only

Conversation

conversation relating to the Security - He was released - he came
246 down - Captain Robertson delivered him to the Surety - he was re-
leased - then Naroba requested me having taken me a side
Tell Captain Robertson to give me a pair of Shawls and a bur-
ban and sash as for respect it will be respect among my
relations - it will gain me respect among my relations - He did
not say any thing more at that time but he went away - af-
ter this I went to Captain Robertson with this Message and
I returned to Naroba about a native hour or half a native
hour afterwards and he was still standing there I reported to
247 Captain Robertson what Naroba had said and came back to
Naroba -

2. Did Captain Robertson say any thing to the witness upon re-
ceiving the Message from Naroba -

A. Yes he gave me a reply to the Message I informed Naroba
of it -

2. What did Captain Robertson say in reply to Naroba's Message -

Mr. Morley objects

Security of Naroba Rabakur produced upon notice and Mark-
ed B.a

Mr. Morley proposes to read it

Mr. Sewell objects to it being read now

Mr

Mr. Morley answers.

Mr. Irwin and Mr. Advocate General reply.

Paper marked B. a. read.

248 By the Court Captain Robertson delivered Narroba to the Security when he took the Security paper he said to Narroba Ratchur "you take this person (meaning Narroba Outea) with you".

By Mr. Irwin when Narroba went home from this place after he gave the Security the next day or the day after that I saw him at Captain Robertsons. after that frequently I saw him he used to come to my house and I saw him at Gaspeer, at these times he was at large. when he came to Captain Robertsons the first time after the Security given them he was

249 free at large.

2. What did Captain Robertson say in answer to Narrobas Message about the Shawls.

Objected to by Mr. Morley and Mr. Parry.

Mr. Advocate General answers.

Objection overruled.

A. Captain Robertson replied "It is not the Custom with the East India Company but if it is the Custom in the Peishwas State I will give" He said nothing more I replied to him "It is the Peishwas Custom" Captain Robertson did not say any more

and

and I gave his answer to Narroba Ouba as soon as I mentioned
250 this to Narroba. Narroba and Annoba Ratchur both went away.
I am upon my oath I cannot say exactly but it was either
the next day the day after that that I saw him at Captain
Robertsons - Narroba was sitting with Captain Robertson's and
I went there and sat down with them then Narroba told me
"I gave the Twas Vendrans now you speak about my turban
and pair of Shawls" then I said to Captain Robertson that Nar-
roba says "I gave the Vendrans now you give him turban
and pair of Shawls which was ordered by Captain Robertson
the day before yesterday" then Captain Robertson sent for a
251 Turban and a pair of Shawls to Rowjee Shewuck in the
Jamedar Khanna which were produced and they were given
to Narroba Ouba. and afterwards rose water and perfume
were given and betle nut and betle leaves and Narroba
was pleased then Narroba tickled me - I was a little afraid
because I cant bear tickling and Captain Robertson laughed
then Narroba mentioned to Captain Robertson "we used to
play and laugh in this manner before the Peshwa" my
Employment in the Peshwas time was that of an officer
252 of troops - My elder Brother had the head Command and I was
under him Ryajee Punt Dada Gocla was my Brother - I was

send to my Brother and I used to go to the Peishwa for
Thousand business, some times I used to go in the morning in
the Durbar, sometimes to dine there and for other Thousand Bu-
sinesses. My regular Salary was two Thousand Rupees a year,
but we do not reckon about the pay because we might receive
about 30 Rupees Monthly pay and five Thousand rupees pre-
sent I received about 40 or 20,000 rupees a year as presents
253 I had not any mamlut Bapoo Gocla was my relation He
was my Cousin- my uncles uncles Son his grand father and
my Grand father were Brothers-
Cross examined by Mr. Morley-
I get a pension from the Company of two Thousand rupees a
year but no presents at all- Government give it me at their
pleasure but they gave me a writing It is in Poona- What
friendship is there between me and Captain Robertson- when
I was wanted I went there- Burra Sahib has said to me
if any time I should be wanted for disputes of Sirdars I
257 would interfere and settle it therefore I was going there
to Captain Robertson there were some claims some disputes
about the former business- The Company demanded money
from some of my friends then I went to Captain Robertson
and Doctor Coats and explained, first I used to go to

Doctor

Doctor Coats to explain to him while living at Gaspeer with Mr.
Elphinstone and he desired me to go and tell Captain Robertson
nee I mentioned about Mamba Bahi, another about Ana wagh.
these are the largest demands and I mentioned about the Chowdrie
255 party. I do not recollect more, whosoever came to me I went
to Doctor Coats and Captain Robertson recommended him to them.
I did not know the amount of the Claim on Ana wagh what
Ana wagh paid as the balance to Tirvar I do not recollect Tirvar
did not give me any thing but I recommended Ana wagh
to the Tirvar and Tirvar gave him a Turban and a pair
of Shawls as a present. The Tirvar did not recover a sum
of money from the Chowdry. I came before as a witness
256 in Amerchunds Cause on behalf of the Company's Tirvar. I do
not know any thing about the percentage or the amount paid
by Captain Robertson on the recovery of money belonging to the
Peshwa I received some money from Captain Robertson for
assisting in the recovery of money which was alledged to be
due from some people to the Peshwa. He paid me in General
not for particular witness and he paid me by Mr. Elphinstones
order. The money which was paid to me by the Burra
Tahuls order I do not know in what account it was given
257 to me whether it was as a present or on account of my
assistance

assistance in discovering the money and therefore I cant say in which Account it was given to me. Twelve Thousand Rupees and some hundred more were given to me. There was nothing more besides this given to me. it might be in the year 1761/1519 (20 M.S.) it is 7 years ago. it might be in the Month of Ausseen (September/October) or Kartey (October/November) one Vithal Punt Mama discovered the persons who had the money of Tucar and I recommended Vithal Punt Mama to the Tucar. I recommended him to Mr. Cooke. I said he was well acquainted with all the people and knew every thing. I said this "whatever information you want Vithal Punt Mama will give you"

258

2. Did this respect the money alledged to belong to the Peishwa

Objected to by Mr. Advocate General and Mr. Erskine as being a privileged Communication.

Mr. Morley and Mr. Parry answer the objection.

Mr. Advocate General replies.

Objection Allowed

I know Jamsha Ageefee - some jewels of Tucar he delivered to Captain Robertson. First Captain Robertson demanded from him and he refused.

259

2. Did you assist Captain Robertson in recovering those Jewels.

Objected to by Mr. Advocate General and Mr. Erskine on the ground

ground of privilege.
Mr. Morley replies
The Objection Allowed

2 Did you receive a sum of Eighteen Thousand Rupees from Captain Robertson on respect of the Jewels and precious stones recovered by him from Jamsha Agasee.
Objected to and Objection Allowed.
My Pension was fixed in the year 1740 Monthly Vide 2nd May 22nd 1818 A.D. and all other peoples Arrangements
260 took place at that time and it was after Ujeejee Punt Goclas return with the troops I was not as Captain Robertsons friend but some times whatever he asked me I replied to him. some times about the Custom and usage I was asked. Before I introduced Ammba Ratchur to Nanoba, Ammba did not go to Nanoba in the Juna Waara but they knew each other very well because they were Relations. They are relations by Marriage but I do not know whether Ammba Married Nanobas Sister or Nanoba his. I asked Captain Robertsons
261 permission to take Ammba to Nanoba on Confinement when permission was given I took him to Nanoba. no one could go to Nanoba without permission from Captain Robertson. No one could go there without Captain Robertsons order. I am

for there

pondence of that. I did not ask Captain Robertson but I know and I observed that no one can go to any of the Prisoners with-
out permission. I did not say to any of the Plaintiffs Wit-
nesses that they did wrong in giving Evidence against the
Juror. what use to me to mention so. Captain Robertson
262 sent to Rongee Shenuck for a pair of shawls and a turban.
They were brought about four or five hours after they were
ordered. I do not know whether they were brought from the
Jamdar Kanna or from some other place. no other person had
a present given him at that time. I do not recollect Omdoo
Bullolla. perhaps I may know his face. I dont know his name
I am sure the Turban and shawls were not given to Nar-
soba the day he was released. I did not know a Karkoon
of Narsoba. of the name of Jeevaram. I do not know
263 that the day Narsoba left the gaol two of his Karkoons
also left it. I was present when Annoba Ratchur gave that
Security. When the Security was executed five persons were pre-
sent viz. myself, Lutsmon Row, Balcota Row, Annoba
Ratchur, and Captain Robertson. I saw Annoba sign the
paper and deliver it to Captain Robertson. The persons I have
mentioned last were the only persons in the room when
the Security Paper was signed and delivered to Captain
Robertson.

Robertson When Captain Robertson delivered the Turban and Shawls
I Calcutta Row Mungsuckroy Luxamon Row, Narrola Cuba
264 Captain Robertson and Rungo Shewuck were present. I do not
recollect any more I used to go to Visit Captain Robertson
every two or four days. I have no other Means of Subsistence
except my pension and the presents I have received from Govern-
ment and some times I convert my own Toys and Jewels and
some times I hold a farm which is put up at auction. I
took as Mortgage some land from the Villagers. I lent Money
upon mortgage. I dont know Tyyjee Gungajee. I know him
265 but I did not see him. on the 10th of the Month of Bhadon
I arrived here and 8 days after that this Trial commenced.
I know Rungo Shewuck. There were several peons of Capt.
Sam Robertsons I dont know who Mayapulky was. Since
I arrived in Bombay I have not Spoken with Tyyjee Gunga-
jee nor to Rungo Shewuck, but I sat with the latter and
gave him snuff but did not Speak but Tyyjee made me
a Salaam in this Court. Since my last Arrival in Bombay
I have not Spoken with Tyyjee Gungajee but he only made
266. me Salaam in this Court. I never Said to Tyyjee Gungajee
"you have been eating the Company's bread for many years
and now you are going to give Evidence against them."

take

take care of yourself" nor any thing to that Effect. I did not
talk with him at all. I did Speake with Ranjee Shenuck on
my own affairs - but not a word about this cause. I never
said to him "you have been eating the Company's Bread for
so many years and now you are going to give evidence
against them - take care of yourself" I do not know any one
267 called Mayapully - If I see him I can tell. I never said those
words to any one (Mayapully is here shewn to the witness)
I know him he was with Captain Robertson and he is Iyyus
Brother. I know what character he has while he was on Capt.
Sam Robertsons Service (shewn him -
Recriminated by Mr Swin -
I said this "If any disputes arise concerning our Serdars to
whom shall I speak" and Mr. Elphinstone said "Speak to
Captain Robertson" as I was not a Vakeel to interfere in
those businesses the disputes were debts from one and as to
268 another as far as five lacs of Rupees and for that I spoke to
Mr. Elphinstone. By our Serdars I never "The Peishwas Serdars
I mean Officers in the Peishwas army, when proclamation was
made - whoever possessed Peishwas Money should come and
inform to the English Government and he shall be rewarded
upon this Proclamation some persons brought private information

to

to the English Government saying such persons professes the Peishwa's money - once I read the proclamation I speak of at the Jannawara in Poona - I saw it at the time the Harkarras were writing it - I did not see it posted upon any public place
269 It was plainly written and I recollect it - I heard from the people afterwards that there was such a proclamation, I never went to see Nanoba without Captain Robertsons permission - when he sent for me I did see him by leave of Captain Robertson I have said that nobody could go to see any of the Peishwas without permission from Captain Robertson - I dont know whether any one could go to see Nanoba without permission I said so, when I was sent for I went to Captain Robertson I said "shall I go to see Nanoba" when he ordered
270 I went to see him I never heard Nanoba say that any person who wanted to see him had been prevented -

By the Court -

While I was sitting in Junna wasa Nanoba sent his own man to call me a Sentry a Military Sepoy came to me - There were Sepoys out of which I saw one Sepoy was sent out of that place - there were centries in the room where Nanoba was one Military Sepoy and another Sepoy a Telunder. Nanoba was walking without the room. He sent for

four

four persons Narrysunkhoy Luxamon Row Vithal Punt Mama and myself we were all together when the Message came from Nar-
274 -yenba he sent for nobody else- only these 5 - we were Selling in the duffer Kanna below- I was three times altogether in the room where Narroba was confined upstairs- I went to the duffer Kanna of my own accord as usual and I found there Nar-
-ryenkhoy Luxamon Row and vithell Punt Mama It was usual for me to go to the duffer Kanna because when I ward-
-ed to speak with Captain Robertson and I had some other business I sat down in duffer Kanna before I saw Captain Robertson there were some other people selling there and I was talking with him I went to see Captain Robertson and
274 then I got this Message there I did see Captain Robertson first and I said "Narroba wants me upstairs and he said "very well go" First I got Narroba's Message and after that I saw Captain Robertson-

By Mr. Sircar thro' the Court-

The Ceremony and performs as a usual ceremony as an honour among the Marattas

The above Contents were duly interpreted to the Deponent by the Sircar Interpreter-

(Signed) Ardaseer Byramjee

Bhasker Ramchandra

B

Bar

Translation of a Mahratta Writing

34

May Shree Ram (The Deity) be Propitious /

I Purushram Khunderao Rahatekur Inhabitant of Poonah do write and give this to the Honble Company's Government purporting to be writ- That as my dear Naro Govind Sawtey was kept in confinement by the Government, I have become security for his personal appearance, and have got his Liberty to be effected I therefore bind Myself to make him appear personally Whensoever I may be required so to do, should I not make him appear personally then I myself shall be answerable for whatever there may be Against him- Dated in the Hindoo Astronomical and Brahmanical Era of Shuka 1740 the name of the Sexagenary Cycle being Bahoodhanya Month of Kartuq Shoodh 10th being the 7th day of November 1818 A.D)-

The hand writing is my own-

(Signed) Purushram Khunderow Rahatekur

(Signed) J. H. Graham

Translator

Endorsement

Supreme Court
Translator's Office
25th September 1826

Endorsement

B. a

Produced by Defts Sol:
Read for Plff the 25th Oct: 1826.
(Signed) Al. Ferrier

True Copy from the record of the appeal pa.
pers.-
Al. Ferrier.

Wednesday the 25th October 1826

Court opened pursuant to Adjournment

Present

The Honble the Chief Justice.
" " Mr. Justice Chambers.

Anuroa Ratchur sworn examined by Mr. Mill.
Formerly I was Subadar of Bajeun but now I am in my
house- I have got a warra in Poona I am a Pensioner of the
Company- In 1818 I was in Poona, Anuroa Cutra was my
Brother in law- I married his Sister and his Warra was

done

close to my House. I remember Narroba being in Confinement on
273 the 9th March. I recollect his being released I was Security.
I was present when he was released the Security Bond was taken
then Narroba was delivered to me and he went with me home.
We both went to Narroba's house. Took him to his house and
then I went to my own house. Three or four days after that
I saw him. I do not know of his saying any thing to me a-
bout his Confinement and about the Money. Three or four days
274 after the Security was given I saw Narroba and he said to
me "The Pendhars which I had given and a Shawl and Tur-
ban were given to me". I do not know any thing about the
2 proclamations as at that time I was not in Poona. at the time
Narroba was released and he mentioned to me that he had
a turban and Shawl. I did not hear any thing about the pro-
clamations.

Cross Examined by Mr. Parry.

I had known Narroba Many years before I became Security
275 for him. I recommended him to the Peishwa 25 or 30 years be-
fore the war and again these 10 years after the war. I did
not go to see Narroba before I gave the Security but I went
only on that day. I went on that day because Bhasker Abba
Gerla was sent by Narroba to call me. I mean the last

witness

witness Shad heard of Narrobas imprisonment long before this I
was in Sunder- it is about 25 or 30 Cos from Perna when Abba
276 Gorda came to me Seras in Perna- Shad been there about 10 or
15 days before- Narroba was my Relation but who would allow
me to go into the Prison- There was no use to make an at-
tempt to go in nobody would allow me to go in- Narrobas
Warra was near my Warra but there was a guard over it and
therefore I did not go near- I did not enquire Whether Narrobas
family were allowed to see him and therefore I do not know- I
277 said there was no use going- I wished a great deal to go to
Narroba but nobody gave me permission and nobody would
take my word that I want permission- I thought so- They would
think I came for some information therefore they will not allow
me- I did not attempt at all to obtain leave to see Narroba.
I do not know whether his family visited him- The Message
Shasher Abba Gorda brought was "Narroba wants you in
Juna Warra to be Tied Securely for Appearance" nothing else
278 was said- I did not see the shawls and turban given- The
day he was released the shawls and turban were not given
I am Certain that I was not present at the time the shawls
and turban was given- After Narroba was released I never went
to the Siras warra I went directly to the Juna Warra in

Abba

Abba Gorda giving me the Message thereby at a particular Business when I went to the Juna wara Abba Gorda first reported to Captain Robertson that I was there then Captain Robertson said Go and speak with Narroba. then I and Abba
279 Gorda both went to Narroba. Narroba requested me to remain only for me.

Mr. Advocate General objects to this Evidence.

Mr. Morley answers.

By Mr. Morley.

at the time Gorda and I and Narroba were together Narroba said nothing about his family having been prevented from seeing him. He only asked me to be Security. When Narroba went to have Sheds not go. he was called a little forward and Sheds not see any Guard. Left Narroba there and I and Gorda both came
280 down to Captain Robertson. Captain Robertson said to Lieutenant Rose "Obtain Security bond from him" Meaning me. then I wrote the Security bond according to the Swan Custom and delivered it to Lieutenant Rose who looked at it. and read it. Nothing was said at that time to my knowledge about Narroba delivering up nine thousand bolas. I only know at that time about the Security. when the security bond was read it was given to Captain Robertson who kept it and sent for Narroba. Captain

Robertson

281 Rotelcow sent his Sipoy to Poon I do not know his name- and that time Narroba was not at a greater distance than 40 or 50 Cubits- He was not brought in under a Guard Captain Rotelcow said to Narroba "This your Brother-in-law has become security for your Appearance, how never go with him." I did not see Wonder Balloll in the Punt Warre that day. I saw only Narroba. I did not see any Karkoon of Narrobas on that day. I recollect Narroba was the Peishwas Rasgeet keeper
282 about 16 or 17 years ago no doubt- he was out of Office for 4 years and then appointed again and besides the fort
(1732/33 A.D.) of Royeghur was given him- In 1734 the Rasgeet was
(1735/36 A.D.) taken from him and in 1737 it was given him again-
(1736/37 A.D.) it was taken from him in 1732 and given him again in
(1735/36 A.D.) 1737

By the Court:

(1735/36 A.D.) From 1737 till the War Narroba continued Rasgeet keeper when war began I went to Punar Tuans & I had some Jots under me and I do
283 not know whether he continued Rasgeet keeper up to the seige of Royeghur.

The above Contents were duly interpreted to the Deponent by the Sworn Interpreter
(Signed) Nodasser Byramjee

(Signed) रघोबाचे [illegible]
Narroba Rotelcow

Adjourned till Friday at ten o'Clock

Saturday

Saturday the 28th October 1826

Court opened pursuant to Adjournment-

Present

The Honble the Chief Justice
" " Mr. Justice Chambers

Tuccaram Power Sworn Examined by Mr. Irwin-

About 8 years ago I was in the Company's service-I was in the English Government's service in the Sebundies as a private-
284 I knew Nanoba Outia-I knew his house at Poona. I was placed as a guard with other persons on his house-it is 8 or 9 years ago I remember Nanoba was 3 or 4 Months in Confinement it was about this time that I was on guard on his house-I know Jyaye and Mayapathy-I remember them coming to Nanoba's house while I was on guard there-They came to call Nanoba Outia and they were sent by Tahit-and Nanoba was taking
285 food at that time. I saw them come to Nanoba. I did not hear what they said to him but they took him away from the Wara with them. I saw Nanoba at the time they came to the House-He was inside of his house taking his food and I was standing outside of the door of a place called Deury (a Portico) Nanoba went with them immediately-I

immediately

Immediately after he finished his food- a native here or a no-
tive hour and a half after they came to the house he left
286 the house on foot He put his turban on his head and took his
shawl on him before he went When Narrota was taken by
Iggya and Myyahuthy about 2 hours after Mr. Houston and
Mr. Lumsden came there- I saw Money taken away from the
house the same day I was on guard as Sentry on that day
for 2 English hours- When I was not Sentry I was in my
house- The day after Narrota and the Money were taken away
287 I was at the same Wara at 4 o'Clock in the afternoon we went
away from the wara. Day and night I remained there I did not
go away from the Wara- When I was not as Sentry there I
went for some time to my house and came back again there
When I was there Narrotas family was in the Wara his Wife
was there his Children his Clerks and his Servants- I had seen
Narrotas Wife the day he was taken from the Wara- She was
well. She was walking about the house- I do not know whether
288 she was brought to bed or not- I had heard that she was
brought to bed about that time. in the time when I was
on guard in that house I heard it I used there on guard at
12 o'Clock and at 2 o'Clock Narrota was taken away I had been
on guard there about 8 or 10 days before Narrota was taken

away

away In the first days I heard it that is 2 or 3 days after I first
went there. When I went there in my guard 2 or 3. days after
289 I heard that she had been brought to bed before I went there
she never came out of her room for one Month or 6 Weeks
after her delivery a Coombo woman comes out in 12 days - but
some women are 6 Weeks and some 2 Months - The day after
Narrebo was taken away I saw some body come to the house
In the first day Mr. Houston came when the Money was
taken away - on the next day Captain Robertson came on horse
back and Hurgy with they accompanied him - they staid at the
290 Mawal one native hour - They looked at the warra and went
away - They entered the house and looked over it and went
away some perns were with them - while they were in the
house I was in the Portico - I saw them come out of the house
and go away - I saw their people go away along with them
They did not take away any thing with them - I did not
see any bodies take away any thing - no bundles of papers
or any thing else were carried away Captain Robertson came in
291 to the house and went away as he came - I went away
that day at four o'Clock in the afternoon and Captain Robert-
son came there in the morning at 8 o'Clock - I remained
in the Porch until 12 o'Clock - two watches My guard was

three

there and I was Obliged to remain there whether I was sentry or not I remained in the porch between 12 o'Clock and four- I was as a Sentry till 12 o'Clock and after that I went to take my dinner and came back again there- I went to my house to take
292 my dinner- During the time I was there that day I did not see any thing taken away from the place I did not hear Captain Robertson speak to any body in the room- He spoke to Mr Roberts wife- He spoke to her in the usual way
Mr Parry Objects to this Evidence-
After Captain Robertson went away from Mr Roberts house I was there for one Month or 6 weeks as a guard During that time I did not see Captain Robertson came there again- I do not know whether any of his people came there- as I was relieved I went to
293 my Chockey or guard room-
Cross examined by Mr Parry
I am still in the Islands under Captain Robertson- People like me were always taking care of the Town like police- My Chockey was like a police Chockey- The guard to which I belonged stopped there for a Month or 6 weeks together I used to go to my house to take dinner and used to return and to remain there at night- sometimes away Eight days and sometimes 15 days we were relieved- I remained there six weeks
constantly-

constantly. I used to go to take my dinner at my house. some
294 times I went away for other purposes. I slept in Annetas house
as guard in the Police every night for 6 weeks. The Duty of
Police is in the door way. Every day I was on guard as soon
by when my turn came. One every day. There were 5 or 7
men. About 7 or 8 men were there. four of them at the front
door and four at the back. Each man stood Centry for one
watch. there were 2 men on watch, at the same time every
day one at the front door and one at the back. Those two
were relieved from the remaining set. They were on watch each
time for three hours. Those 8 men slept there as well as my-
295 self for the whole of the 6 weeks. I was on guard once in the
day time and once in the night and each time for three English
hours. some of the 8 men were relieved during the 6 weeks and
some were not. Those persons who were relieved did not come
to sleep there at night some of the men remained 8 days
some 2 days and some a month.

Examined by the Court.

My duties as guard at Annetas house were to guard and to
watch. I was ordered not to let any thing be taken from
the house it was part of my duty to prevent any thing
being taken from the house I had no order to prevent any

persons

persons from going in or out - we were not Ordered to search any
296 body but if any one went away with a bundle we were Order-
ed not to let him pass

The Mark of ⊕ Tuncaram Pereira

The above Contents were
duly interpreted to the deponent
by the Tamil Interpreter

(Signed) Ardaseer Byramjee

Exd: B
Comp: J.

(True Copy)

Fol: 296 @ 2 Qrs each is Rs 148 -

All Ferrier
Prothy

A.F

Amerchund &c. The United East India Company Sir Neville Maund
Stuart Elphinstone and Captain Henry Mandas Robertson

Extract of Judgment of the

Chief Justice

Sir Edward West

On the 17th Day of July of the same year (1818) Lieutenant Robertson being in Poona ordered his Peons to bring Narrota to him at the Juna Warra, an old house which formerly belonged to the Peishwa. They found Narrota in his house sitting with his Wife and Children and brought him away to the Juna warra where Lieutenant Robertson took Narrota by himself into an Inner Room and shut the door, after remaining there for about an hour, Lieutenant Robertson called out "Sepoys Come and take Narrota to Prison" upon which the Peons entered the room and, Lieutenant Robertson repeating the order, they took and delivered him to the Military guard at the Door of the Juna Warra and he was placed in the Common Gaol. Lieutenant Robertson then ordered his Peons to search Narrotas House which they did, and on breaking open the Lock of an inner room found 28 Bags of Gold Mohurs and Rupees, Lieutenant Robertson being informed of this sent a Military guard under a Mr Houston for the money which they brought and delivered to him,

after

after this Narota's Gomasta (or head Clerk) was also brought to Lieutenant Robertson, who took him into an Inner Room, and after talking with him there a short time, despatched him also to the Gaol, and placed him there, but in a different Room from Narota - & Lieutenant Robertson also ordered his people to bring Narotas papers from his house which they did

I will now revert to the evidence respecting the treatment of Narota and his Gomasta, which though at first sight it appeared irrelevant in an action of Trover for Property, became, as the object of their imprisonment was developed by the evidence, a most important feature in the Case.

In the course of the same evening that Narota was taken to Jail one of Lieutenant Robertsons Peons went there and saw Narota who refused to take food, which being communicated to Lieutenant Robertson he observed "There is a Brahmin Cook for him if he will not take his Dinner Cannot help it"

The first Witness, whose evidence has been in every particular conformed by the witnesses for the Defendants, states that five or six days after the imprisonment of Narota Captain Robertson desired him to order the Jemmadar to bring Narota upstairs to him in the Juna Warra, and that accordingly Narota was brought up in the Charge of a Sentry - that Narota and Captain Robertson

5 Robertson went by themselves into an inner Room whilst the sentry stood outside near the door of it- that he heard Nanoba say "he did not owe any thing to any one" and Captain Robertson say "it is the Peishwa's money," to which Nanoba replied, "it is not the Peishwa's money it is mine" that Nanoba was speaking a little louder than usual and Captain Robertson spoke angrily- they remained in the room about two native hours (that is about one English hour) and then the Sentry took Nanoba away- Captain Robertson saying to the
6 sentry take him to Prison- that he sometimes saw Captain Robertson and Nanoba together and sometimes Captain Robertson and the Gomasta- Every other day, or every third or fourth day, the Gomasta was called by Captain Robertson and they had some Conversation and this was continued for 20 days or a month- Nanoba was also brought up by a sentry and was kept one or two native hours and then sent back again- the Witness some days heard Captain Robertson say to
7 the Gomasta "This belongs to the Peishwa why do you say it does not belong to him" the Gomasta replied "This belongs to Nanoba, I do not know whether it belongs to the Peishwa or not" one day Captain Robertson was angry with the Gomasta and said "put irons on the Gomasta" but then the Witness went

and

and brought a Blacksmith who put irons on his feet they were put on before Mars by Captain Robertsons order. the Gomasta was kept in irons about two months and an half or three months Whilst the irons were on his feet he used to come to Captain Robertson, and sometimes Narota used to come, at different times the Gomasta used to come to Captain Robertson with the Irons on his feet and a sentry with him. Narota was never present at any of the Conversations which Captain Robertson had with the Gomasta. the Gomasta was never present at any of the Conversations between Captain Robertson and Narota. he heard Captain Robertson saying to Narota "if you will Complete the Cash account of the Pondicans I will release you." a few days after that Narota was released. he was imprisoned four months or a week less than four months. the next day after he was released five bags of Pondicans were sent by Narota to Captain Robertson.

The Gomasta himself is called and says he was sent to prison. that afterwards Captain Robertson asked him whose money it was that was found at the Juna Mars. to which he replied that it belonged to Narota. then Captain Robertson said "Narota says it is the Sircars / State / money." he still denied it and Captain Robertson then said "tell the truth otherwise I shall put you on Irons and send you to a Fort." Irons were

then

them put on his legs and "my legs says he shall give me pain." A Blacksmith put them on. The Irons were put on immediately after the Conversation with Captain Robertson. He heard him say "Put Irons on." The Irons were on him for two months. his imprisonment was a close one. his friends and relations were not allowed to see
11 him.

Upon the 2d examination of this Witness a paper is put into his hands by the Defendants Counsel which he says is in his handwriting. that he wrote it in Prison in the presence of Captain Robertson and two other persons one of whom was in Captain Robertsons service. that he wrote it on the dictation of one of those persons because he was in prison.

The Court of Course rejected this paper (which could be evidence merely to contradict the Witness,) upon the ground of its
12 having been obtained by Duress, but the very tender of such evidence shews the object of the Imprisonment.

To return to Marcha. It appears that some time during his imprisonment he was removed from the Common Jail and imprisoned upstairs in the Jemadar Wara.

A Witness for the Defendants of the name of Mallar Jaram says that at the time of Narcha's Confinement he was and still is Jailer under Captain Robertson. that Marcha was in

two

his custody. That at first he was confined below stairs and afterwards he was kept in a Bungalow upstairs. That he was one day
13 below stairs, avering however to the evidence of the first witness, whenever Nanda was brought to Captain Robertson in the Juma Masid, which it appears he frequently was during the first part of his imprisonment he was brought from below stairs, that is from the Common Jail, and the third witness, Gopall Rouje Thorack, also says that Nanda was imprisoned down stairs a fortnight or a month, he is sure it was more than a fortnight.

Neither of these witnesses is cross examined as to this
14 point and they are confirmed by Mr. Houston a person in the employ of Captain Robertson, and a witness for the defendants, who says that he was in the habit of going upstairs where Nanda was confined, and that he used to see him there, but that it was several days after he brought the money away that he saw Nanda there, it might have been a fortnight after.

In addition to this contradiction of the Jailer Mullar Jairam he is contradicted in many other particulars even by the defendants
15 own Witnesses, and his evidence is so inconsistent and contradictory of itself, that I think no reliance can be placed upon his

Testimony.

Testimony -

Narsoo had been in Jail a little more than three months when he was visited there by one Bhaskar Ram Godse, who is called as a witness by the Defendants to prove a conversation which he said he had with Narsoo upon the subject of this money. The Character of this witness and the object of his visit to Narsoo, though he says he was sent for by Narsoo, may be collected from the following Passage of his evidence, "I received some money, twelve thousand Rupees, from Captain Robertson for assisting in the recovery of money which was alleged to be due from some people to the Peshwa - he paid me in general not for particular business and he paid me by Mr Elphinstone's order." There can be no doubt that this man was employed to obtain admissions from Narsoo, and the admissions so obtained or pretended to be obtained have actually been tendered on behalf of the Defendants on this trial. The Court of course rejected such evidence as obtained by Duress as there is not a shadow of pretence for saying that the imprisonment was legal.

About a week after this Captain Robertson promised Narsoo to release him if he will make up the account of the Merchants, and Narsoo agrees to bring him five bags of Rupees. For a few days after which he is released on his Brother's

on-Law's Security which is as follows -

"I Parusharam Khunderao Kahalekar Inhabitant of Poonah
18 "do write and give this to the Honorable Company's Government purporting
"to write That as my dear Nana Govind Antoy was kept in Con-
"finement by the Government, I have become Security for his personal
"appearance, and have got his Liberty to be effected. I therefore bind
"myself to make him appear personally whensoever I may be required
"so to do. Should I not make him appear personally then I my-
"self shall be answerable for whatever there may be against him.
"Dated the 7th Novr 1818"

The Security was of course taken for the purpose of en-
19 suring Narsoba's Promise to bring the five bags of Rupees, a
Promise obtained from him while in Gaol, and the next day
Narsoba accordingly sends to Captain Robertson the five bags of
Rupees -

About five days after Narsoba's release namely on
the 12th of the same month, the following Bond is taken from
Narsoba -

"I Nana Govind Antoy do write and Give this engage-
"ment (viz Bond, Moochulka) to the Honble Company's Government
"declaring that whatever thing (i.e. property or money) of state
20 "there was with me, such I have given over into the possession
"of

"if your honors (Sahib) except this I had not any more Money,
"Ornaments, Jewels, Cloths &c. belonging to the State, should it be
"proved that there is any thing of these with me then I shall be
"considered as a defaulter to your honors (Sahib) moreover, I do not
"know what debt (Tufsulmat) and deposit (Their) there is with
"the people belonging to the State, (Sircar) should it be proved
"that I do know any thing of it then I submit myself (to be
21 "answerable) to whatever your honors (Sahib) may be pleased
"to order (to be done to) me."

This bond is put in evidence by the Defendants themselves in order to prove Nanabas Admission that the Money was the Peishwas, but it proves only the Subjection to which Nanabas had been reduced by the severity of his treatment. Nanaba by this bond actually Submits himself to whatever their honors may please to order to be done to him.

In about a year after Nanabas Release interrogatories
22 were put to him by Mr. Chaplin, who had Succeeded Mr. Elphinstone as Commissioner of the Deccan, and these interrogatories, which appear to have been continued day after day for more than a month, together with Nanabas answers to them, are produced in evidence by the Defendants under what Authority, or by whose order, or at whose instance, these interrogatories were put no

where

where appears. It was said indeed by the Counsel for the Defendants that this examination was taken in consequence of the Bombay Government having referred to Webbon of Narrotas re-
23 specting this money to Mr. Chaplin and having desired him to report upon it to the Government; but there is no evidence of this any more than of the assertion of the Counsel for the Plaintiff that Mr. Chaplin did in consequence of such reference report that seven lacs of the money belonged to Narrotas. It has also been said by the Counsel for the Defendants that the decision of Mr. Chaplin upon this examination was the judgment of a Competent Court and that we had no power to question it.
24 If so, why was not the judgment itself produced. or if Mr. Chaplin were merely an arbitrator chosen by Consent of both parties why was not his award produced.

The first sheet of this examination is an account in the handwriting, as one of the Defendants witnesses states, of one of Narrotas Karkoons or Clerks, but how, when or where by whose order or from what Documents it was framed no where appears, and it is with reference to this account that many of Mr. Chaplins questions are put.

25 In this Examination Narrotam says repeatedly that he cannot answer questions or reconcile apparent inconsistencies

on account of his Papers having been taken from him by Colonel Prother and Captain Robertson and yet he is examined as to immense sums of money and to most intricate accounts of many years past. It would have been most unreasonable to have required of him to give immediate answers to such questions, even if he had had all his accounts to refer to - how much more so when his
26 accounts, as appears clearly from all the evidence, had been taken from him.

When asked to reconcile an enormous discrepancy between his accounts he says "when I was first in Confinement in the Kerah and used to be brought out to be examined, then the two persons viz^t Hureshur and Doulpe who were standing below down-stairs advised me that the European Gentlemen would be angry and that I had better say the Surat gelt Mohurs belonged to the state upon such instructions I wrote and delivered the same, consequently there appears the difference."

27 It is necessary to observe that one of these two persons who gave Narsia in Gaol this advice to avoid the anger of the European Gentlemen was the same who dictated to the Gomasta when in Gaol the Paper which was offered in evidence by the Defendants, but which was of course rejected on the ground of Duress.

As

As far as I can understand this examination, (which however it is very difficult, or rather I should say impossible entirely to do from the state in which it is laid before the Court, particularly as many of both the questions and answers refer to accounts which are either not produced or not identified,) it does not impugn the Plaintiffs claim.

28 But it is unnecessary to refer to it more particularly, when we consider the observations already made upon it and the circumstances under which it was taken.

Narbal during this examination was under the Security or Bail Bond, which, however illegal, might be enforced by the same power by which it had been taken, he was under his own 29 bond by which he "submitted himself to whatever their honors might be pleased to order to be done to him" and he was at Poona within the grasp of the same power under which he had suffered so illegally before.

Many Months after Poona had been in our undisturbed and peaceable possession, many Months after Mr. Elphinstone's Proclamation in which he promises that all proper. ty real and personal shall be protected, and that Courts of Justice shall be immediately established, and many Months after their actual establishment in Poona and the adjacent Country,

30 Country when the inhabitants had as much right to the protection of the Courts of Justice as the inhabitants of Bombay. Narrow. Esq. a person of high rank in the former Empire, without even the imputation of any offence, and without the form or pretence of any legal proceeding, is taken from his house and wife and family and thrown into the Common Jail. His Gomasta share the same fate with the additional severity of being kept in Irons. Narrobas house is entered by a Military force, his 31 treasure taken without a shadow of evidence that it was not his own, and his family reduced to a state of destitution so compleat that his wife is under the necessity of borrowing 20 Rupees. They are kept in prison many months during which Lieutenant Robertson endeavours to obtain admissions from them to justify these acts, and in this Court the defendants offer in evidence a paper signed by Narrobas Gomasta in Jail, dictated to him in the presence of Captain Robertson, admissions obtained from Narroba in jail, and the Bond by which Narroba submits himself to whatever their honors might 32 please to order to be done to him—

(True Extract)
M Forbes
Prothy.

Ex. 1
Rep. 1 J.
Fol. 32 @ 2 g. each is Rs 16-
J.F.

Supreme Court Bombay

November 19th 1826

Amerchund &c. Robertson and the East India Company and others.

Extract of Judgment of the Honble Mr. Justice Chambers.

In July 1818 if not before Narrota Govind Gokla was domiciled in Poona. He was living in his house or Wasa (Colonially Mansion) there with his wife and family and domestics on or about the 17th July 1818. he was imprisoned together with one of his Cankerons called Bundoo Bullall, by order of Captain Robertson and on the same or the following day Certain persons went to his house by Captain Robertsons order. broke open the door of a room in the upper part of the house and took from thence the property in question in this cause. The persons Concerned in the taking appear to have been Mr. Lumsden Captain Robertsons Chief Assistant. Mr. Houston then in Command of the Sebundies Attached to the Office of Collector. with Sebundies peons and some regular Sepoys.

Narrota at appears before the war had held some

Office

2 office in the nature of Treasurer to the Peishwah: but the exact
limits of his holding that office do not clearly appear. He had
however been much in the confidence of the Peishwah. He had
the charge of the Peishwah's wife in the Fort of Raighur and
most probably was intrusted with great part of the Peishwah's
treasure. After the taking of Raighur he appears to have been
perfectly passive. In consequence of the seizure of his person
he was detained in close confinement tho' not perhaps strictly
in the way which is usually called Solitary Confinement.
3 at first he appears to have been confined with many other
persons of various ranks and confined for different offences -
for more than a fortnight - After which he was removed to a
Separate place of Confinement by himself and remained there
near four Months. Whether he might have been visited freely
by his family and relations does not appear, as the principal
part of them did not ask permission but Captain Robertson
and his agents visited him and Captain Robertson in
particular had frequent interviews with him for the purpose
4 of eliciting information respecting the property taken. At the
end of the term of his imprisonment Narroba was released
upon giving security in the nature of bail, for his reappear-
ance when required. Subsequently to his release he appears to

have

have undergone some examination before Mr. Chaplin, with refer-
ence to the same Object, but not at his own request. Shall not
at present advert any further to these proceedings except for the
purpose of observing that no part of this property was ever claim-
5 ed from Nanoba on the ground of its being his own, but it
was claimed solely on the ground of its having belonged to the
Peishwah. Nanoba is since dead and this action is brought
by the present Plaintiff as his Executor.

V The next question regards Nanoba himself, until the taking
of Singhur he continued in open hostility. After the Capitulation
there is no evidence to shew that he continued an Alien enemy.
on the Contrary it appears that he lived for 2 Months previous
to his Confinement, in his House at Poona, without any personal
6 restraint and in the bosom of his family - under these Circum-
stances I am of opinion that he was domiciled in Poona and
received into the protection of the British Government as a Sub-
ject upon the terms upon which the Government professed to rule
the Country. Those terms held out protection to private property
and as there was no exception of Nanoba individually, as
long as he remained passive and without Committing any overt
act of hostility, it is difficult to conceive how Captain Robertson
could consider himself authorized to proceed against him

7 in any other mode than that sanctioned by the Company's Government. If the Rushwah had not surrendered, there might have been some doubt as to his character. But there could be no doubt in Narrotam's mind, that the Rushwa's power was extinct, and there is nothing to shew that he had not joyfully acquiesced in his obedience to the new Government.

XVI Having said thus much I shall leave the consideration of that which may be called the Criminal part of the case with the single observation, that if the conduct of Captain 8 Robertson has arisen from an error in judgment, I trust his experience and maturer years have taught him better things. Being called upon however to give my opinion upon the effect of this transaction with reference to this case, and having no other data than the evidence before us, how can I or how can any man help saying that this imprisonment, which has not been attempted to be justified by any law or even by an urgent necessity, was 9 not most arbitrary and illegal? and considering the indelible character stamped thereby upon all the subsequent proceedings how shortsighted the policy of it was too? How is it possible to admit any evidence, which can in any way be affected by such coercive proceedings?

I

Sam sure I don't wish to treat the case invidiously. I have endeavoured seriously and conscientiously to consider it in the same light as I should more ordinary cases, and I must confess, the more I divest myself of all the Adventitious circumstances and feelings which affect my mind, the more glaring appears the injustice of relying upon any Admissions subsequent to that imprisonment. Can there be a more natural effect. Judging from the history of mankind than that a person in Nawab's situation should think it good policy to give up a part of his property to secure the rest? The whole scheme of Mahomedan power in India from the Prince down to the lowest Cazee might impress his mind strongly with that idea, and I do not know that the history of our own acquisitions in the East would lead a native to the notion, that even in a public point of view our power was founded upon a very nice or forbearing System of Appropriation. Viewing then Nawab's situation in this point of view, I am of opinion that all evidence relating to his Admissions subsequent to his imprisonment is tainted with duress, and ought

ought not to have any weight in the decision of this
12 Case.

(True Extract)
M Ferrier
Prothy

Exd. A.
R. Exd. B

Fol. 11 @ 2 9d each is Rl. 6-
AB

In the Supreme Court of Judicature at Bombay
Crown Side

In the Matter of Ballorjee
bem Hurryram Sunday
Minder at present Confined
in Tannah Gaol.

Upon Motion of Mr. Morley being of Counsel on behalf of the said Ballorjee bem Hurryram Sunday and on Reading the Affidavit of Bhawee Ragotee and two Documents thereto annexed marked with the Letters A and B. It is ordered that a writ of Habeas Corpus ad Subjiciendum do issue directed to Francisco Antonio Portuguese of Tannah in the
1 Island of Salsette to bring up the said Ballorjee bem Hurryram Sunday before Sir Charles Warrand Chambers Knight one of the Justices of the said Supreme Court on Monday the twenty first day of July Instant at ten o'Clock in the forenoon. Witness Sir Edward West Knight Chief Justice at Bombay aforesaid this 16th day of July 1828.

(Seal) M West
Sealer
July 16th 1828
By W. Fenwick

By the Court
(Signed) H. Roper,
Clerk of the Crown

James Pakh
Atty

Pr

In the Supreme Court of Judicature at Bombay
Crown Side.

In the matter of Ballerjee Leen Hurryram Sunday
Hindoo Confined in Tannah Gaol

Bhaskar Ragoba of Bombay Hindoo Inhabitant Mer-
chant Oath and Saith that he this Deponent by the request
and direction of Ballerjee Leen Hurryram Sunday Hindoo at
present Confined in the Gaol at Tannah in the Island of
Salsette did on the Seventh day of July instant go to Fran-
cisco Antonio Portuguese Head Gaoler or Keeper of Tannah
Gaol and also to Joremeno Alvares Portuguese Deputy or
Assistant Gaol Keeper of Tannah Gaol and did then and there
deliver to each of them the said Francisco Antonio and
Joremeno Alvares respectively a Requisition and Demand in
writing under the Signature of the said Ballerjee Leen
Hurryram Sunday thereby demanding of them the said Fran-
cisco Antonio and Joremeno Alvares a Copy of the Warrant
under which he the said Ballerjee Leen Hurryram Sunday
was detained in their Custody and desiring them to give
such Copy to his agent this Deponent the bearer thereof,
a Copy of which Requisition or Demand is hereunto
annexed

annexed Marked with the letter A and that he this Deponent
4 did upon delivering to them the said Francisco Antonio and
Jeremie Alexis with the Requisition or Demand aforesaid ask
and demand of them Seperately a Copy of the Warrant under
which the said Balloyer Jean Hurygram Sunday was detained
and Confined in their Custody to which they the said Francisco
Antonio and Jeremie Alexis replied that they Could not
give him a Copy as they had no Warrant, and that Mr.
Bailie the Judge at Jannah had sent him Balloyer Jean
5 Hurygram Sunday to Gaol and this Deponent further saith
that he this Deponent did on the said Seventh day of Jn.
Ly instant go to the House or Office at Jannah of Evan
Hamilton Bailie Esquire the Judge of Jannah, and did
there and there cause a Letter under the Signature of the
said Balloyer Jean Hurygram Sunday to be delivered to the
said Evan Hamilton Bailie Esquire, a Copy of which Letter
is hereunto annexed Marked with the letter B and that he
6 this Deponent after being kept at the said House or Office for
many hours asked the said Evan Hamilton Bailie for an
answer to the Letter to which the said Evan Hamilton Bailie
replied that there was no answer to be given, and this De-
ponent further saith that the said Evan Hamilton Bailie is a

Barbadoes

British Subject residing on the Island of Salsette, and this Depo-
nent believes that the said Francisco Antonio and Jerenemo Mo-
reira respectively on the fourth day of the present Month of July
were and ever since have been and now respectively are em-
7 ployed by and in the Service of the United Company of
Merchants of England trading to the East Indies or of one
of His Majesty's British Subjects residing in India and that
the said Francisco Antonio and Jerenemo Moreira respectiv-
ely reside on the Island of Salsette and this Deponent further
saith that the said Island of Salsette is a Territory sub-
ject to the Bombay Government as this Deponent has been
informed and believes, and this Deponent further saith that
he believes that Tannah aforesaid is not more than fifteen
8 miles from the Island of Bombay and is not more than
twenty four miles distance from the Supreme Court of Ju-
dicature at Bombay

Sworn at Bombay
the 14th day of July 1828.
Before me
(Signed) O.W. Kellerer
Com.

(Signed) Bhawoo Ragoba

A

A

To,

Francisco Antonio and Jeronimo Alvares
Mfs. Keepers of Tannah Gaol

Sirs,

I hereby demand and require of you a Copy of the Warrant under which I am detained in your Custody and I desire that you will give such Copy to my agent Bhanoo Bagela the bearer of this. Dated 7th July 1828.

Yours Obed.ly
(Signed) _____

Balloojee bin Hurryram Sindya

9

B.

To,

E. H. Barlee Esq.re
Judge and Criminal Judge of Tannah &c. &c.

Sir,

I have been impressed in Tannah Gaol for several days past and I beg that you will have the kindness to inform me of the cause of my being sent there and by whose

whose order as I am not aware of any cause of my being
sent to prison and as I am about to move the Supreme Court
of Judicature at Bombay for a Writ of Habeas Corpus to be
10 let out of Custody or otherwise as I may be advised Dated
7.th July 1828.

I am Sir
Your Most Obedient Servant
(Signed) _____
Ballorjee Ben Hurryram Sunday

Habeas Corpus

George the Fourth by the Grace of God of the United King-
dom of Great Britain and Ireland King Defender of the Faith
and so forth To Francisco Antonio, Portuguese, Keeper of Tannah
Gaol, Greeting We Command you that you have before Sir
Charles Harvest Chambers Knight one of the Justices of the
Supreme Court of Judicature at his Chambers in the Court House
11 at Bombay on Monday the twenty first day of July instant
at ten o'Clock in the forenoon, the Body of Ballorjee Ben
Hurryram Sunday Vendor, being detained under your Custody
(as it is said) together with the day and cause of the taking
and detaining of the said Ballorjee Ben Hurryram Sunday
Vendor,

Hendry, by whatever name he may be called in the same to undergo
and receive all and singular such things as shall then and
there be considered of him in that behalf; and that you have
12 then and there this Writ. Witness Sir Edward West Knight
Chief Justice of the Supreme Court of Judicature at Bombay the
fourteenth day of July in the Ninth year of our Reign.

(Seal) Mr West (Signed) C. H. Chambers
Sealer
July 25th 1828. (Signed) Henry Roper
(Signed) James Pattle by H Fenwick Clerk of the Crown
1177

In the Supreme Court of Judicature at Bombay.
Crown Side

In the Matter of Ballerjee
Luv Hurryram Sunday confined
in the Gaol of Tannah.

Upon Motion of Mr. Morley being of Counsel on
15 behalf of the said Ballerjee Luv Hurryram and on Reading the
Affidavit of Bhawoo Nagobaedh and the Certificate of
Clerk

Clerk of the Crown It is ordered that an Attachment do issue against Francisco Antonio Portuguese Keeper of Tannah Gaol for not having made a return to the writ of Habeas Corpus issued out of this Honorable Court on the fifteenth day of July Instant. Witness Sir Edward West Knight Chief Justice at Bombay aforesaid this 21st day of July 1828.

(Seal) (Sd.) M. West
Judge
July 21st 1828.

By Mr. Justice Chambers
(Signed) Henry Roper
Clerk of the Crown.

James Valch
Atty

In the Supreme Court of Judicature at Bombay
Crown Side

In the Matter of Ballroyer bin Hurryram
Sunday at Present Confined in Tannah Gaol

Bhawoo Rugobaseth of Bombay Hindoo Inhabitant maketh oath and saith that he this Deponent did on Friday last the Eighteenth day of this Instant July proceed to Tannah and there and there personally saw Francisco Antonio Portuguese Keeper

Keeper of Tannah Gaol with the original writ of Habeas Corpus
15 under the Seal of this Honorable Court issued out in the above
Matter, a true Copy of which writ is hereunto annexed, by delivering
to and leaving the said original writ of Habeas Corpus with
the said Francisco Antonio.

Sworn at Bombay
aforesaid this 26th day of
July 1823

(Signed) Bhawoo Ragobasett

Before me
(Signed) M. West
Comr

In the Supreme Court of Judicature at Bombay.
Crown Side

In the Matter of Ballogee
bin Hunyman Sunday -

I do hereby Certify that on the fourteenth day of July
Instant an affidavit of Bhawoo Ragoba and two Documents
16 Marked A & B were filed in the Crown Office and on that

the

the fifteenth day of the same Month a writ of Habeas Corpus was issued to bring the said Ballogee bin Hurryram Sunday before The Honorable Sir Charles Harvard Chambers returnable on the 21st day of July Instant at 10 o'Clock in the forenoon and that no further proceedings have since been had. Dated this 21st day of July 1828.

(Signed) Henry Roper
Clerk of the Crown

In the Supreme Court of Judicature at Bombay.
Crown Side.

17 In the Matter of Ballogee
bin Hurryram Sunday

On the 15th day of July in the year of our Lord 1828 a writ of Habeas Corpus having issued returnable on the 21st day of the same Month, directing Francisco Antonio the Keeper of Tannah Gaol to produce the body of Ballogee bin Hurryram Sunday before the Honorable Sir Charles Harvard Chambers one of the Judges of this Honorable Court. and no return having been made to the said writ upon the day appointed

For

for the return thereof, and an attachment having therefore issued
18 against the said Francisco Antonio, and the Body of the said
Balloojee bin Hunyram Sunday Lang brought here into Court in
the custody of the said Francisco Antonio on this 24th day of
July in the year of our Lord 1828. and the said writ of Ha.
bea Corpus being then returned upon hearing Mr. Dewar of
Counsel for the said Francisco Antonio, it is ordered that
the said writ of attachment be set aside on payment of
costs and that the return to the said writ be read and
19 filed. And on hearing Mr. Morley of Counsel for the said
Balloojee bin Hunyram Sunday It is Ordered that the said
Balloojee bin Hunyram Sunday be now discharged from the
custody of the said Francisco Antonio- Witness Sir Edward
West Knight Chief Justice at Bombay aforesaid this 24th day
of July 1828-

By the Honorable Sir Charles Has.
-court Chambers

James Patch
Atty

(Signed) Henry Roper,
Clerk of the Crown

Tannah } I Francisco Antonio Head Keeper of the Civil Jail
to wit, } of the Zillah of the Northern Conkan situated at Tannah,
20

do

do humbly certify and return to the Honorable Sir Charles Marcourt Chambers in the writ to this Schedule annexed, named that before the said writ came to me, that is to say on the 8th day of June 1828 the said Ballajee Hurreeram in the said writ named was placed in jail and is detained by Brian Hamilton Baillie Esquire Judge of the Northern Conkan, the cause of taking and detaining the said Ballajee Hurreeram being unknown to me his Body is now in readiness as by the said
21 writ is Commanded.-

(Signed) Francisco Antonio
Head Keeper of the Jail
at Tannah,

True Copies
W. Roper
Clerk of the Crown

Supreme Court

Plea Side

Runsordjee Keshowjee - Plaintiff

Versus

John Williams Esqr. Defendant

The abovenamed Plaintiff puts in his place and stead Daniel Bowden Smith Gentleman his Attorney to prosecute an action against the Defendant abovenamed Dated this 8th day of January 1828.

Witness

(Signed) Runsord Keshowjee

(Signed) Bhawoo Luximeeyeedt.

1/-

In the Supreme Court of Judicature at Bombay

Plea Side

Warden after Fourth Term in the year of Christ one thousand Eight hundred and twenty Eight.

Bombay to wit } Runsord Keshowjee Hindoo of Bombay Inhabitant the Plaintiff in this Suit by Daniel Bowden Smith his Attorney Complains of John Williams of Bombay Esquire who is a British Subject and an inhabitant of Bombay and who resides within one of the Factories

Subject

subject to or dependent upon the Government of Bombay and whereat
1 the times the several causes of action contained in this plaint arose
was employed by or was directly or indirectly in the Service of the
United Company of Merchants of England trading to the East Indies
and which said John Williams for all or one of the said reasons
is a Person subject to the jurisdiction of this Honorable Court of
the Pleas of Trespass For that the said Defendant on the twentieth
day of September in the year of Christ one thousand eight hundred
2 and twenty Seven and on divers other days and times between
that day and the day exhibiting this plaint with force and arms
&c broke and entered a certain Dwelling House of the said
Plaintiff situate and being at Tannah in the Island of Salsette
and which said Island of Salsette is and at the times the
several causes of action contained in this plaint arose was a
Territory subject to or dependant upon the Government of Bombay
and there there made a great noise and disturbance therein
3 and stayed and continued thereat making such noise and
disturbance for a long space of time to wit for the space of
eight days then next following and then and there forced and
broke open and broke to pieces damaged and spoiled divers to
wit twenty boxes chests drawers trunks and cupboards of the
said Plaintiff in the said dwelling house and broke to pieces

damages

damaged and spoiled divers to wit twenty locks Staples and
hinges of the said Plaintiff of and belonging to the said Four
4. Chests Trunks and cupboards respectively, and wherewith the same
were then fastened and being of great value to wit of the value
of one Hundred Rupees of Lawful Money of Bombay By means
of which said Several premises the family of the said
Plaintiff were during all the time aforesaid greatly disturbed and
annoyed in the peaceable possessing the said Dwelling House of the said Plaintiff to wit
at Tannah aforesaid and also for that the said Defendant on the
twentieth day of September in the year aforesaid and on divers
5 other days and times between that day and the day of exhibiting
this plaint with force and arms broke and entered a certain
other dwelling House of the said Plaintiff situate and being
at Tannah aforesaid and them and there gated, expelled, put out,
and removed the family of the Plaintiff from the possession, use, &c.
enjoyment, and enjoyment of the said last mentioned Dwelling House
and kept and continued them so gated, expelled, put out, and
removed for a long space of time to wit from thence hitherto
6 whereby the family of the said Plaintiff for and during all
that time lost and were deprived of the use and benefit of
his said last mentioned Dwelling House to wit at Tannah
aforesaid, and also for that the said Defendant on the eighteenth

day

day of September in the year aforesaid and on diverse other days and times between that day and the day of exhibiting this plaint with force and arms assaulted the said Plaintiff to wit at Jamaica aforesaid and then and there seized and laid hold 7 of the said Plaintiff and then and there imprisoned the said Plaintiff and kept and detained him imprisoned there without any reasonable or probable cause whatsoever for a long space of time to wit for the space of Sixteen days then next following, contrary to the laws and customs of this realm and against the will of the said Plaintiff whereby the said Plaintiff was then and there not only greatly hurt bruised and injured but was also thereby greatly uproared and injured in his credit and circumstances to wit at Jamaica aforesaid within the jurisdiction aforesaid and also for that the said 8 Defendant on the eighteenth day of September in the year aforesaid and on diverse other days and times between that day and the day of exhibiting this plaint with force and arms again assaulted the said Plaintiff to wit at Jamaica aforesaid and then and there seized and laid hold of the said Plaintiff and also then and there forced and compelled the Plaintiff to go from and out of a certain Office or room of over charge 9 of the Defendant situate and being at Jamaica aforesaid

into

into and on the public esplanade or road there and then and there forced and compelled the Plaintiff to go in and over the said esplanade or road and in and along divers public streets and roads there to a certain police office situate and being at Jamaica aforesaid, and then and there imprisoned the said Plaintiff and kept and detained him in prison there without any reasonable or probable cause whatsoever for a long space of time
10 to wit for the space of fifteen days then next following contrary to the laws and customs of this realm and against the will of the said Plaintiff, whereby he the said Plaintiff was then and there not only greatly hurt bruised and injured but was also thereby then and there greatly exposed and injured in his credit and circumstances to wit at Jamaica aforesaid, and also for that the said Defendant on the eighteenth day of September in the year aforesaid and on divers other days and
11 times between that day and the day of exhibiting this plaint a-gain assaulted the said Plaintiff to wit at Jamaica aforesaid and then and there beat bruised and ill treated him the said Plaintiff and then and there imprisoned him the said Plaintiff and kept and detained him in prison there without any reasonable or probable cause whatsoever for a long time to wit for the space of fifteen days then next following

Contrary

contrary to the laws and customs of this realm and against the will
17 of the said Plaintiff and also for that the said Defendant on
the eighteenth day of September in the year aforesaid and on
divers other days and times between that day and the day of
exhibiting this plaint again assaulted the said Plaintiff to wit
at Bombay aforesaid and then and there beat and ill treated
him and other wrongs to the said Plaintiff then and there
did against the peace of our Lord the King and to the damage
of the said Plaintiff of twenty thousand Rupees of lawful
23 money of Bombay and therefore he brings his suit &c.

(Signed) W. B. Smith
for Plaintiff

(Signed) J. Morley

In the Supreme Court of Judicature at Bombay
Plea Side

Runsord Kessowjee — Plaintiff
~~vs~~

John Williams Esquire Defendant

Runsord Kessowjee Vendor of Bombay Inhabitant the above named
Plaintiff maketh oath and saith that John Williams Esquire
the

the abovenamed Defendant is a British Subject in the Civil Service of the United Company of Merchants of England trading to the East Indies on their Bombay Establishment, and resides at Tannah in the Island of Salsette a place dependant upon the Government of Bombay and is therefore a person Subject to the Jurisdiction of this Honorable Court as the Deponent is informed and believes -

Sworn at Bombay aforesaid the 23rd day of January 1828 - (Signed) Rumsord Kessowjee

Before me

(Signed) M. West

Comr. &c.

Upon Reading this Affidavit and the Prothonotary's Certificate hereto annexed It is Ordered that a writ of Summons to issue against John Williams the Defendant within named - Dated this 24th day of January 1828 -

(Signed) E. H.

Supreme Court

New Side

Rumsord Kessowjee - Plaintiff

vs

John Williams Esqr. - Defendant

The abovenamed Defendant puts in his place & Stead Edmund Cobb Morgan Gentleman his Attorney to defend the above Suit, Dated this 1st day of February 1828 -

Williams

Witness
(Signed) James Jas Scrafton
To A. Ferrier Esqr
Prothonotary

(Signed) J. Williams

Sir

Please to Enter appearance for the Defendant in my name and send Office Copy of Plaint &c.

Yours &c.
(Signed) E.C. Morgan
Defendant's Atty

Supreme Court

Plea Side

Runsord Rajsoojee — Plaintiff
vs
James Williams — Defendant

16 And the said Defendant by Edmund Cott Morgan Gentleman his Attorney comes & defends the force & injury when &c. & says that he is not guilty of the said supposed Trespass as above laid to his charge or any part thereof in manner & form as the said Plaintiff hath above thereof Complained against him and of this the said Defendant puts himself upon the Court &c.

17 And the said Plaintiff doth the like &c.

(Signed) E.C. Morgan
Defendants Atty

True Copy
A. Ferrier
Prothy

Ent. J.
Fee Ent. 3
Fo. 818 as per Rlg
Search 1
Rs 10
A.F.

Present

The Honble Mr. Justice Chambers
" " Mr. Justice Grant

Burnaby ex Relatione } Cause called on
vs } Mr. Roper for the
John Williams Esquire } Plaintiff opens Pleadings

Mr. Morley States the Plaintiff Case

Proofs for the Plaintiff

Frederick Martenant Sworn
Examined by Mr. Roper

I am assistant to the Collector of Sea Customs at Fanuals Mr. Wills. I am to the Collector Mr John Williams I know the Plaintiff He was a Head Clerk in the Sea Customs I enrolled the 25th of September in last year. The Plaintiff was employed by Mr Williams at that time, I was also his assistant at that time I received some instructions respecting the Plaintiff from Mr Williams at that time. He told me to go to the Plaintiff house

house and Search it to see if I could find any papers relating
to money that was missing from the Treasury- He directed me
to take some persons with me to Search the house I applied
to him for permission I said I wanted a Mahratta Clerk
an English Clerk and a few Sepoys- I wanted the Mahratta to read
2. any Mahratta the English Clerk to assist me and the Sepoys
to assist in the Search of any resistance took place, Sunday
D° Esperance was the English Clerk and Vondoo Ragonath
the Mahratta Clerk I took two or three Sepoys I dont recollect
I took all these people with me I took a Jemadar of the Sea
Customs named Syed Mullen- I took these people with me to
Search the house- I went with my party to the house aforesaid
ing by- When I got to the house I met the Plaintiffs son
Muddoordeen Runsordjee- I took the Sepoys in along with me
3 into the house- I dont recollect whether the door was open, there
was no violence used to open it I do not know whether it was
shut or open- I did not force it open- I cannot recollect whether
How I opened the door myself or whether any one opened it
for me- when I got in I desired Muddoordeen to shew me
some papers of the Plaintiffs- there was in a small house or
room covered with tiles- one Long to room- I cant tell whether
there it joined the house or was separate- it was in a

Compound

4 Compound in some Compound in which the House stood there was
Couch and upon tables in it, but I dont know whether it was
used as a Sitting room or a sleeping room. he now opened the
drawers and shewed me some papers. the drawers were in this
room. I opened the books loose papers and parcels and read
them part of [redacted] I read sufficient to convince me they did
not relate to the money in question. after looking over the
papers in that room I left it. the party left the room with
5 me. I went them to the principal house I suppose. I observed
nothing particular on approaching what I suppose the principal
house I observed two Sepoys of the adawlut outside the Compound.
I observed no one leaving the house. I was going to Enter the
principal house when Mudeerdeen desired me not to go any
further. that that was his private room. I think he said
Cook room. I remained outside and desired a Sepoy to go and
see if there were any papers I dont recollect his name. The
Sepoy went in. I observed no one at this time leaving the
6 house. I dont recollect whether any persons went in with
the Sepoy or not but I saw when the Sepoy entered. I dont
know what he did when he entered. The Sepoy brought
me no papers when he came out we left the house. I
believe that Plaintiff was at this time in Bombay. He had leave

to

be to absent from his duty - Mr Williams made no observation
to me on my return - Generally told him I could find no fee.
spec. I believe Swift saw the Plaintiff on Tuesday - I went to
7 his house I think on Monday Evening I did not observe where
Plaintiff son was when the Sheriff entered the house - he
might have been with me or he might have been in the
house - I think I saw the Plaintiff on Tuesday during office
hours between ten and four. I should think it was soon
after ten in the forenoon I must have seen him - he was in
the Office - I cant recollect whether he was sitting or
standing - I dont recollect that the Defendant gave any direc-
tions respecting the Plaintiff - he did not give any to me -
8 Plaintiff had a desk of his own in an inner apartment
in the Office there are three rooms one in which Mr
Williams sits, two there in which the English and native
Clerks sit - I believe the Plaintiff was in the Verandah at
that time - there generally are Sheriffs there during the day and
night too - I might have heard Mr Williams say some thing
about the Plaintiff that day, but I dont recollect what it was
I dont recollect the Plaintiff being sent to prison that day Mr
Williams spoke a great deal to me about the Plaintiff
9 on either Tuesday or Wednesday - I really dont recollect
what

what questions were asked or what I said - I saw Mr. Williams the same Evening I had been to the house - I don't recollect Mr. Williams saying at 12 o'Clock on Tuesday or at any time during that day "Bring in the Prisoner" Mr. Williams desired the Plaintiff in my presence to be brought in to give his deposition - I think it was myself he desired to bring him in - he was brought in he was sitting in the Verandah - I believe there was a person with him he was a person who was supposed to have done wrong and was more like a prisoner I don't recollect who accompanied him to Harrison or two were called in to Mr. Williams's room to take the deposition - they were Mahrattas - one of them was Chobdar of our department called Sudoba Bogee - I don't recollect who was the other Depositions were taken - both the Plaintiff and the Sheriff - they were not on Oath - the Plaintiff was sent over the same day to Mr. Barlow's I am uncertain when he was sent - I only know it from hearsay

11 After the Plaintiff was gone I did not see Mr. Williams - After the Examination was taken, the Plaintiff was sent into the open Verandah in the Charge of the Peons - I was sent to Search the Plaintiff's Office desk by Mr. Williams to see if I could find any papers there I don't recollect what Conversation I had with Mr. Williams on Wednesday I went out into

the Constable to send for the Plaintiff - I first saw the Plaintiff after he was sent to Mr. Bailey the next day or the day following I saw him at the Office he was brought from Mr. Baileys by our own person - he appeared to be in custody - I don't know where he was brought from of my own knowledge - I believe Mr. Williams told me to send for the Plaintiff from Mr. Baileys he said "send to Mr. Baileys for the Plaintiff" whether he gave a note or no I don't know - I believe I gave an order to the Jamadar to bring him - I gave the order but I don't recollect the day, I have no doubt I did as Mr. Williams ordered - The Plaintiff came to the Office under the charge of our own Person - I do not recollect the name of the Jamadar whether it was Pare Mahomed - when the Plaintiff came to the office he was desired to sit down and give over charge to another person - I recollect seeing him in the Office near his own desk - He remained there for some time - he was in custody all the time - he left the Office in the Evening of that day - I believe he was sent back in custody that day I don't recollect that he was brought the next day - The Sheriff paid the money and the Plaintiff was then released - the Sheriff paid it some days afterwards and the Plaintiff was dismissed from the Office and from custody also - one Rundeo

and

and fifty rupees a month was the Plaintiffs Salary in Mr. Williams's Office -

Cross examined by Mr. Inverarity -

It is at the pleasure of the Collectors to dismiss or retain Clerks if there be any cause for doing so - Mr. Williams might discharge a Clerk he considered as not doing his duty - he has a government order for it, provided it is not for Criminal conduct - I dont believe I heard even the Plaintiff any where at night in the Office from the time the loss of the money was first discovered until he was discharged from custody - a great number of persons are employed in the Office to take care of the Office and of the treasure Chest and to carry Messages some of those persons were particularly attached to his person - He was detained in the Office I told a Peon myself to see that the Plaintiff did not leave the Office without permission - I dont recollect whether I was desired to give that Order by Mr. Williams - when the Plaintiff walked from the Verandah into Mr. Williams's Office no person had hold of him - I heard no person call him out - I went part of the way and called out I and Ramasedjee out, he was then in the Verandah - he came of himself to Mr. Williams on the Tuesday Morning - I dont know where he came from -

I

I dont know whether he was in Bombay- he applied himself
for leave- it was only at Saturday Evening he got his Leave
17 to Selong, and I saw him first afterwards on Tuesday Morning
When I went to the Rambuff Compound and saw his Son I
said I wanted to search his fathers papers I had Mr Pelle-
rams order for it- he made no difficulty in shewing the
papers in the first Bungalow he opened the drawers himself
I took out the papers the son was Standing there by- When
the Sykes entered the principal Bungalow the son Objected
a little- he said those were his private apartments- he said
18 that's a private apartment belonging to us- it's a place you
ought not to Enter- They are private apartments, he spoke
in English- I cant recollect whether he said room or apartment
there was a kind of loft above- On Monday Morning Mr
Williams called me upstairs and sent me to Count the Money
I went down stairs to Count it by the treasure Chest I took
it out of the Chest and Counted it on the floor near it-
Patonjee Cadakhoy and the Shroff were with me when I
19 Counted it- the Chest is an iron one- the Shroffs name is
Purmanund Kudwa- a Shroff is attached to the Office- the
head Shroff Purmanund, Ramsodjee and Myself were 3
persons who had any concern with the treasure Chest

according

according to the usage of the Office. I have been to the Chest alone without the others but only on one day. Never More than once. The Sheriff generally says to me there was Money to be paid to some person or Other and I paid Give it and then he has paid it. There is one large Key belonging to the Chest.
21 I dont believe there is another in the Office. During the day it was generally with me and at night I sent it to Mr. Williams. When I was not there it was sent down to the head Clerk Mr. Hodgson. It is now at Mr. Williams's for that reason. When Mr. Williams is out on deputation I have the Key altogether. I have been absent on some occasions for days together from the Office. on the Saturday the Key I believe was in my charge. I gave it to the Sheriff on that
21 day to pay small sums of Money. I gave it 2 or 3 times in the course of the day and he brought it back to me when he had taken the small sums for our Office payment as he required. On Monday Morning I was standing by when the Money was counted. I dont recollect what sum was in the Chest. There was no custom in the Office of counting the Money every day. By comparing the balance in the books with the Money in the Treasure Chest I found
22 there was a thousand and ten rupees Missing. The Sheriff

First

first counted it before me and said it was all right I believe
it was Wednesday Sadathey came to look up the Bags counted
them over again and shewed the precise Amount that was
in the treasure Chest. I had the books at that time the Ex.
Journal of the daily Cash book and the petty Expenditure Book
Shewed what ought to have been the sum in the Chest
I shewed this difference to Mr. Williams on Monday morning
about 12 o'Clock Runnerdge was absent from the office on
23 this occasion. It was about two hours afterwards that I received
the order to go and search the Pitt house. it might have
been about four o'Clock The Pitt afterwards made out the
Account to shew what ought to be in the treasure Chest
and the different sums it was 2 or 3 days afterwards for.
I hope more I was with Runnerdge at his desk where he
made out this account. he was detained in the Office
at that time The Pitt said nothing particular to me at
the time. I believe the Sheriff Commissioner was also in Cus-
24 tody in the office until he could say where the Money
was gone and repay it. the Money was found by the
Sheriffs relations some days afterwards. I said to Mr.
Williams I am sorry to say that there is Money
gone from the Treasury to the Amount of a thousand

and

and two rupees - I told Mr Williams I had heard from the Sheriff just after sending out the list that the Sheriff had charged Rumsey six with giving him the order to pay the money to him Rumsey - I was totally ignorant on Saturday of any
25 fraud having been practised on the treasure Chest I had no suspicion the first I had was from Mr Williams who called me on Monday morning and told me about 300 rupees were missing -

By the Court - Mr Williams took the Sheriff's deposition - I saw him take it - it was not upon oath it was taken down in writing he was asked questions and the answers were taken down -

Examined by Mr Morley -

a Letter first in marked A

This is Mr Williams's hand writing - I have said in my cross
26 Examination I called to bring in Rumsey - I received the order from Mr Williams - I don't recollect how long before the Monday the Cash in the treasure Chest had been counted - when the Sheriff paid the Money he was detained in the Office under the Peons -

(Signed) F. Mackennant

Asst Coll. Sea Customs

in the Concan -

Mudgeon

Mudrodeen Runsordjee sworn Examined by Mr. Morley

Saw the son of the Mr Semonbe on the 24th of September
last Mr. Marlemant coming to my fathers house Mr. Thor.
Semant was in the room with Mr. Williams I saw him
I did not hear Mr. Williams give him any order. I did
27 not leave the office with Mr. Marlemant I left the office
at half past 5 or a quarter to six when I came home
I saw Mr. Marlemant in my fathers sleeping room every
day he used to set down and did every thing there except
Eating, he Eat in the house Mr. Marlemant, Santiago
D'Esperance, Dondoo Ragoonath Mullan, Jemadar, Dadoo
Khan Tyboy, I saw Mahomed Tyboy and Purroo Mungee
Tyboy were there they had taken out the drawers and were
looking at the papers. Four or five drawers had been open.
28 ed when I went into the room - after I came into the room
Mr. Marlemant opened drawers - after they left that room
Mr. Marlemant, Santiago, Dondoo Ragoonath and Purroo
Tyboy entered the house, they came into the house and
I followed Three Mussulmen Tyboys were outside talking
and the others entered the house - no one spoke to them
when they were entering the house when they went into

the

the great hall they were standing there and sent Purroo Dayal Jethaa my 3 or 4 Sisters, our wives and our two brothers were living there - our brother is in Bombay, Pindor Ragoonath went into my
29. Sleeping room at that time I do not know whether my wife was there or not but it is not customary for our women to go into the rooms during the day time - In our houses there is no private room for Woman - When the Men go out the women go into all parts of the house - It is an offence for a Stranger to go into any part of a house where Women are he should stand outside and call - I did not see actually that the women were in the house - at that time
30 My father was not at Jannah, next Morning on Tuesday when I went to the Office I saw my father there - When he came from Jannah he used to ride - About 8 or a quarter to 8 on Tuesday Morning my father's horse came back with the Jehaa Sykey - I saw my father about ten or a quarter to ten he was sitting in the Outer Verandah - there were Sepoys Standing - on that day he did not do his usual
31 work as a Punwa in the Office - I did not hear on that day Mr. Williams give any order respecting My father, My father on that day went into Mr. Williams Office to my knowledge - The Jamadar went up and brought

my

my father Seaw- that I saw- My father went up to Mr Williams with a Jemadar and Sipoy- on the Tuesday night My father slept in the Varandah of Mr Williams's Office- If a Hindoo takes his dinner without performing his ablutions he will lose his Caste Hook sends Coffee to my father that Evening, and a blanket and pillow- he did not take the Coffee he said I have not washed my mouth I have not performed ablutions and therefore I will not eat it- The the Sipoy pressed him very much to take it- the outer Varandah was on a level with the ground with pasta- Mr roof- I stood with my father about half an hour I left him about Eight or half past 8 o Clock- next Morning when I came into the Office about 10 I saw my father He did not perform his duties as a Juror but he was sitting where he had sat- I did not hear Mr Williams give any orders about my father I saw my father about half past one or two o Clock go to Mr Bailey's Office- two Peon Jemadar and 2 Sipoys went with him- on each side of him was a Sipoy and the Jemadar was near him They were Mr Williams's Jemadar and Sipoys a- Four half past four or five o Clock I saw my father at Mr Bailey's Choka- it was the common Choke- I saw

again

again at half past six and saw him in the Choke - Rec.
34 mained there for half an hour - I left my father in the
Choke there is no accommodation in the Choke for Women
to perform their ablutions. The next Morning I saw My father
in the Choke before he was taken to Mr. Williams Second
at 8 o'Clock - at 12 o'Clock and I saw him again in
the Choke - I saw him 2 or 3 times that day in the
Choke - the last time I saw him there was at a quarter
past 3 or half past three I saw him at Mr. Williams's
35 that day at a quarter to 4 or four o'Clock - When a
Security Bond was taken he was allowed to go to his own
house - this was about four o'Clock -

Cross examined by Mr. Dewar -

By Security Bond I mean bail for his appearance in 1000
rupees - One Appasit goldsmith was Bail - Mr. Martinant
took the Security - Mr. Williams was then upstairs. When
I went to My house on Monday Morning I found Mr.
Martinant and four or five Sepoys there - four or five
drawers were open they were Chests of drawers Each Chest
36 had four drawers there were 2 Chests of drawers - When
Mr. Martinant was there I did not open the drawers - I
will swear I did not open one When we went to the

other

other house Mr. Marchmont went into the house - I will swear that - I will swear he was in the house - he did not remain outside - My whole house is shared to Strangers no one part is more so than another - it is not proper for a Stranger to Enter a house at all but if a Man of my caste comes in & I call him he will go into the Kitchen - a Person of my caste can perform his ablutions any where - it requires 4 or 5 pots of water - he requires a clothes chest to put on - it was an English Servants place where he was and I could not bring it there - If there is a large tank in the neighbourhood a Man might go - the Office at Tannah is at the Cutcherry - the tank is as far from the office as from here to the Church gate - on my father's behalf I made application for him to go to make his ablutions - The Verandah where my father slept had a plank ceiling and Mr. Williams slept upstairs - The Verandah was all open - there was a wall 2 feet high - Mr. Bailey is the Criminal Judge at Tannah

Interpreted by the
Sworn Interpreter
(Signed) Andrason Byramjee

(Signed) Muddoosoodun Runsoorjee

Exam

Evan Hamilton Baillie Esquire Sworn Examined by Mr Roper -

I am Judge in the Adawlut Court at Tannah I know Mr Williams the Defendant in this Action I know the person whom I believe to be the Plaintiff but I do not know his Name -

39 The Witness here points him out Tannah is on the island of Salsette - I know the person who was Head Clerk at the time this Cause of action arose in Mr Williams's Office Salsette is Subordinate to the Presidency of Bombay - I dont recollect the exact date nor the Month but I had a Letter from Mr Williams - I have not got that Letter - it was returned to Mr Williams - I had notice to produce it - Afterwards received a Note from Mr Williams in
40 Consequence of which I returned his first Letter and released the Plaintiff from his Confinement I was never asked if I had the Letter or where it was - the Letter is not in my custody I know it from Mr Williams himself The Letter to the best of my knowledge and belief stated that he had strong grounds of Suspicion against the Plaintiff that he had been Concerned in the Embezzlement of

Money

Money from the treasury which had taken place in his office,
and requesting me to hold him in custody until he could
prepare the charge against the note Mr Williams subse-
quently sent to me it stated that the Sheriff had
taken up the full amount of the defalcation, That he told
him it was his intention to prosecute civilly the present
Plaintiff for the amount he had paid out of the treasury
that his sole intention was to recover the Company's money
and not to ruin the Pff and requesting me & to
release him from Confinement - he wished to withdraw
his first letter from the money being restored and not
wishing to ruin the Pff Sam not aware that the
Sheriff has ever sued the Pff for the money in
my Court - Sam the proper Judge before whom Com-
plaints against natives are made in both a Civil
and Criminal Capacity -

Examined by the Court -

The Pff did not appear in my presence - an or-
der was issued by me to the Assistant Sheriff
on the receipt of the letter and I have every reason
to believe it was obeyed and that he was in con-
finement under my order as the Criminal Judge -

The

43 The Name is one of the Chiefs Criminal Officers of the Court on Receipt of the note gave an order to release them the place of confinement was just where Criminals are usually placed Mr Williams is in the Civil Service Simon no other person of that Name in this Presidency.

(Signed) Evan H Castle

Admitted by Plff Counsel that the Defendant was and is a Magistrate.

Plaintiffs Case Closed.

Mr Irwin for the Defendant states his case that Defendant was a Magistrate and acted as such and argues on the Plffs Evidence.

44 Mr Dwarr on the same side speaks to the Law.

The Court decide against the Objection raised of the Defendant having acted as a Magistrate and decide that notice is not necessary from the Plff.

Mr

Mr Swan speaks in mitigation of Damages -
By the Court Judgment for the Plaintiff
Damages one thousand rupees and Costs -

(True Copy)
H. Ferrier
Prothy

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on 22 February, 2019